

1 I WAS FIRST ON THE SCENE, I BELIEVE, SO WE, YOU KNOW,  
2 SECURED THE APARTMENT, AND THEN I STAYED IN THE ROOM WITH  
3 THE DEFENDANT THE ENTIRE TIME UNTIL I TRANSPORTED HIM TO  
4 SUNNYVALE DEPARTMENT OF PUBLIC SAFETY JAIL.

5 Q HOW LONG WOULD YOU SAY YOU WERE IN THE DEFENDANT'S  
6 APARTMENT BEFORE YOU TRANSPORTED HIM?

7 A FIFTEEN, TWENTY MINUTES AT LEAST.

8 Q AND HOW LONG OF A DRIVE IS IT FROM JOHANNA TO  
9 SUNNYVALE DEPARTMENT OF PUBLIC SAFETY?

10 A TEN MINUTES AT THE MOST.

11 Q SO TWENTY TO TWENTY-FIVE MINUTES SO FAR?

12 A YEAH.

13 Q AND THEN TO GET HIM TO WHERE HE'S SEATED, TO START  
14 ASKING HIM THE BOOKING QUESTIONS, HOW MUCH TIME IS THAT?

15 A MAYBE A COUPLE OF MINUTES AS SOON AS I PULLED INTO THE  
16 SALLYPORT.

17 Q TELL US WHAT THE DEFENDANT WAS LIKE DURING BOOKING.

18 A TOTALLY UNCOOPERATIVE. HE CHALLENGED ME TO FIGHT  
19 NUMEROUS TIMES. I HAD TO CALL ADDITIONAL OFFICERS TO ASSIST  
20 ME WITH BOOKING. I BELIEVE AT ONE TIME WE HAD AT LEAST SIX  
21 OR SEVEN OFFICERS IN THERE. WE HAD TO COLLECT EVIDENCE. WE  
22 COLLECTED BLOOD FROM HIM. WE HAD TO RESTRAIN HIM TO COLLECT  
23 BLOOD WITH THE TECHNOLOGIST THERE.

24 Q SO WE ALL KNOW WHY, IS IT TYPICAL FOR YOU TO COLLECT  
25 BLOOD FOR ALL FELONY ARRESTS?

26 A YES.

27 Q SO THERE'S NOTHING SPECIAL ABOUT THE DEFENDANT?

28 A NO.

1 Q IT'S PART OF BOOKING?

2 A CORRECT.

3 Q BUT HE DIDN'T WANT THAT TO HAPPEN?

4 A CORRECT.

5 Q WHEN YOU SAY HE WAS CHALLENGING YOU TO FIGHT, WHAT  
6 SPECIFICALLY WAS HE SAYING?

7 A HE WAS SAYING HE WAS GOING TO KICK MY ASS WHEN I TAKE  
8 OFF THESE CUFFS, HE'S GOING TO BEAT ME UP.

9 Q PLEASE TELL THE JURY WHAT A WRAP IS.

10 A A WRAP?

11 Q YEAH.

12 A A WRAP IS A RESTRAINING DEVICE.

13 Q AND I'M SAYING W-R-A-P.

14 A YEAH. IT'S A RESTRAINING DEVICE THAT WE USE FOR  
15 PEOPLE THAT ARE UNCONTROLLED. BASICALLY IT WRAPS AROUND  
16 THEIR LEGS. IT VELCROS LIKE A SMALL BLANKET THAT WRAPS  
17 AROUND THEIR LEGS. WE HANDCUFF THEM.

18 AND THERE'S A HARNESS THAT GOES ON THE FRONT PART OF  
19 THE BODY, AND THE FRONT PART OF THE BODY TO A LEG, THERE'S A  
20 CONNECTION THERE. AND WE HAVE A SPIT BAG JUST IN CASE  
21 PEOPLE TRY TO SPIT AND BITE, AND WE PUT THE SPIT BAG ON, AND  
22 WE TRANSPORT THEM TO COUNTY JAIL THAT WAY.

23 Q DID YOU USE A SPIT BAG IN THIS CASE?

24 A I DON'T RECALL. I BELIEVE WE DID. THAT'S PRETTY  
25 STANDARD.

26 Q THE SPIT BAG, THE RESTRAINED PERSON CAN SEE OUT OF IT?

27 A CORRECT. THEY CAN BREATHE, THEY CAN SEE, THEY JUST  
28 CAN'T SPIT ON US OR BITE US.

1 Q IT'S NOT LIKE SOME DARK HOOD?

2 A NO, NOT AT ALL.

3 Q BECAUSE RECENTLY IN THE NEWS WE'VE SEEN --

4 A NO, NOT AT ALL.

5 Q DO YOU LIKE TO USE THE WRAP?

6 A NO.

7 Q DO YOU OFTEN USE IT?

8 A NO.

9 Q MORE OFTEN THAN NOT ARE YOU ABLE TO VERBALLY GET  
10 SOMEONE TO COMPLY AND COOPERATE?

11 A YES.

12 Q SAME QUESTIONS AS TO THIS SPIT -- WHAT DID YOU CALL  
13 IT?

14 A A SPIT BAG. I CALL IT A SPIT BAG. IT'S JUST A BAG  
15 THAT WE PLACE --

16 Q DO YOU OFTEN HAVE TO USE THAT?

17 A LIKE I SAY, THIS IS PRETTY STANDARD, EVERY TIME WE PUT  
18 THE WRAP ON SOMEONE, WHICH IS VERY INFREQUENTLY, WE PUT THE  
19 BAG ON THE HEAD.

20 Q WHY DID YOU PUT THE WRAP ON THE DEFENDANT IN THIS  
21 CASE?

22 A HE WAS FIGHTING WITH THE OFFICERS.

23 Q ACTUALLY FIGHTING?

24 A I WAS -- AFTER WE COLLECTED BLOOD, I BELIEVE I WAS  
25 OUTSIDE AT THE DESK OFFICER -- THERE'S A DESK AREA RIGHT  
26 OUTSIDE THE JAIL, AND THERE'S A GLASS AREA.

27 AND WHEN I WAS GETTING THE PRINTOUT FOR THE CALL  
28 SO, THE TIMES AND STUFF, AND THEN I HAD THE DESK OFFICER

1 CALL FOR CODE 3 FILLS, AND I SAW THE DEFENDANT TRYING TO  
2 KICK THE DESK OFFICER, BECAUSE HE HAD ONE HAND HANDCUFFED TO  
3 THE RAILING WHERE WE COLLECTED BLOOD AND FILL OUT PAPERWORK.  
4 SO WE ALL RUSHED IN THERE AND RESTRAINED THE DEFENDANT.

5 MR. DEMERTZIS: THANK YOU, OFFICER. THAT'S ALL  
6 THE QUESTIONS I HAVE.

7 THE COURT: CROSS-EXAMINATION.

8 MR. KURTZMAN: THANK YOU.

9 CROSS-EXAMINATION

10 Q (BY MR. KURTZMAN) OFFICER, YOU PREPARED A REPORT FOR  
11 THIS CASE; CORRECT?

12 A YES.

13 Q AND YOU REVIEWED THAT REPORT BEFORE COMING TO COURT  
14 TODAY?

15 A YES.

16 Q AND THAT REPORT IS ACCURATE TO THE BEST OF YOUR  
17 KNOWLEDGE?

18 A YES.

19 Q AND YOU PUT ALL THE IMPORTANT FACTS ABOUT THE CASE  
20 INTO THAT REPORT?

21 A YES.

22 Q NOW, WHEN YOU WERE IN MR. HANCOCK'S BEDROOM AND HE  
23 STOOD UP AND CHALLENGED YOU TO FIGHT, HE SWUNG AT YOU,  
24 DIDN'T HE?

25 A I DON'T REMEMBER. I DON'T REMEMBER HIM SWINGING AT  
26 ME. NO, I DON'T BELIEVE HE DID. I DON'T BELIEVE WE GAVE  
27 HIM THAT OPPORTUNITY.

28 Q HE STOOD UP. DID HE DO ANYTHING MORE THAN STAND UP

1 WOUND, OR DO YOU REMEMBER?

2 A I JUST REMEMBER HIM HAVING A BLACK EYE, AS I STATED  
3 BEFORE.

4 MR. KURTZMAN: NOTHING FURTHER. THANK YOU.

5 THE COURT: ANYTHING ELSE ON REDIRECT?

6 MR. DEMERTZIS: I JUST HAVE A COUPLE OF QUESTIONS,  
7 YOUR HONOR. WHILE I ASK HIM, WOULD IT BE ALL RIGHT WITH THE  
8 COURT IF I PUBLISH THE PHOTOS TO THE JURY?

9 THE COURT: VIA THE SCREEN?

10 MR. DEMERTZIS: I DIDN'T PUT THEM ON THE  
11 PROJECTOR.

12 THE COURT: YOU THINK THEY NEED TO SEE THEM BEFORE  
13 YOU ASK THE QUESTIONS?

14 MR. DEMERTZIS: NOT BEFORE BUT DURING SO THEY KNOW  
15 WHAT WE'RE DOING.

16 THE COURT: IF YOU PASS THEM AROUND WHILE YOU'RE  
17 ASKING QUESTIONS, THEY WON'T HEAR THE TESTIMONY. IS IT  
18 ESSENTIAL THEY SEE THE PICTURES BEFORE YOU ASK QUESTIONS  
19 ABOUT THE PICTURES?

20 MR. DEMERTZIS: IT'S NOT ESSENTIAL.

21 THE COURT: ALL RIGHT. THEN ASK HIM THE  
22 QUESTIONS.

23 MR. DEMERTZIS: MAY I HOLD THE PICTURE UP?

24 THE COURT: YOU CAN SHOW THEM THE PICTURES AS YOU  
25 GO DOWN THE RAIL. PEOPLE IN THE TOP ROW, YOU CAN STAND UP  
26 IF YOU'D LIKE.

27 FURTHER REDIRECT EXAMINATION

28 Q (BY MR. DEMERTZIS) OFFICER, YOU DON'T KNOW HOW THE

1 ARGUMENTS ABOUT MR. DAVIS'S FAILURE TO HELP OUT WITH SOME OF  
2 THE COSTS SUCH AS RENTAL AND FOOD.

3 BASICALLY HE TOLD ME THAT MR. HANCOCK HAD BEEN PAYING  
4 FOR HIM, HIS SUSTENANCE AND HOUSING. ON THE FRIDAY WHEN  
5 THIS INCIDENT OCCURRED, MR. HANCOCK AND MR. DAVIS HAD GONE  
6 OVER TO THE PARK AND THEY HAD SPENT SOME TIME AT THE PARK  
7 WITH SOME MUTUAL FRIENDS.

8 ACTUALLY, MR. DAVIS REFERRED TO THE PEOPLE AT THE PARK  
9 AS PEOPLE HE DIDN'T PARTICULARLY LIKE, AND MR. DAVIS SAID  
10 THAT AT THE PARK HE HAD MADE SOME COMMENTS TOWARDS THESE  
11 PEOPLE THAT HE DID NOT LIKE AFTER THEY HAD SPENT SOME  
12 TIME --

13 THE COURT: EXCUSE ME, THAT WHO DIDN'T --

14 THE WITNESS: MR. DAVIS HAD MADE THESE COMMENTS TO  
15 THE GROUP OF PEOPLE AT THE PARK, PEOPLE THAT HE DID NOT  
16 LIKE. HAD MADE RUDE COMMENTS. HE DIDN'T SPECIFY WHAT TYPE  
17 OF COMMENTS HE MADE, BUT MR. DAVIS MADE IT KNOWN THAT HE  
18 DIDN'T LIKE THESE PEOPLE. THEY RETURNED LATER THAT DAY TO  
19 MR. HANCOCK'S APARTMENT --

20 Q (BY MR. DEMERTZIS) WHO'S "THEY"?

21 A MR. HANCOCK AND MR. DAVIS RETURNED ALONE, RETURNED TO  
22 MR. HANCOCK'S APARTMENT. SO THEY LEFT THOSE PEOPLE AT THE  
23 PARK. ONCE THEY HAD RETURNED TO MR. HANCOCK'S APARTMENT,  
24 MR. DAVIS AND MR. HANCOCK BEGAN ARGUING.

25 HE SAID THAT MR. HANCOCK CONFRONTED HIM ABOUT THE  
26 COMMENTS HE HAD MADE, MR. DAVIS HAD MADE TO THESE FRIENDS AT  
27 THE PARK. THAT CONFRONTATION BETWEEN MR. HANCOCK AND  
28 MR. DAVIS RESULTED IN A FIGHT, AND MR. DAVIS SAID THAT

1 RELATIVELY FRESH, SINCE IT'S RED.

2 Q ALL RIGHT. THIS IS PEOPLE'S 18 NOW BEING PROJECTED.  
3 DESCRIBE WHAT YOU SEE IN THAT PHOTOGRAPH, PLEASE.

4 A IT LOOKS LIKE IT'S A PHOTO OF HIS BACK WITH A PUNCTURE  
5 WOUND BELOW THE LEFT SCAPULA.

6 Q "HIS" BEING CRAIG DAVIS?

7 A THAT'S CORRECT.

8 Q WHAT'S A SCAPULA?

9 A SCAPULA IS THE BONE THAT'S PART OF YOUR -- BACK OF  
10 YOUR SHOULDER.

11 Q IF I WERE TO CALL THAT A SHOULDER BLADE --

12 A THAT WOULD BE THE EXACT TERM I WOULD USE.

13 Q SO IT'S A PUNCTURE WOUND BELOW MR. DAVIS'S LEFT  
14 SHOULDER BLADE?

15 A YES.

16 Q DO YOU RECALL -- NOW YOU'RE LOOKING AT THE PICTURE, SO  
17 I'M SURE THAT HELPS REFRESH YOUR MEMORY, BUT DO YOU RECALL  
18 FROM TREATING HIM HOW LARGE THAT WOUND WAS?

19 A I REMEMBER IT NOT BEING THE LARGEST STAB WOUND I'VE  
20 EVER SEEN. PROBABLY AROUND ONE TO TWO CENTIMETERS.

21 Q LET ME SHOW YOU PEOPLE'S 19. THIS PICTURE IS A  
22 CLOSE-UP OF THE PUNCTURE WOUND WE JUST SAW?

23 A YES.

24 Q AND THIS PICTURE HAS A RULER IN IT.

25 A IT DOES.

26 Q LET'S TALK ABOUT THIS INJURY, THIS PUNCTURE WOUND.

27 DID YOU TALK TO MR. DAVIS ABOUT HOW HE SUFFERED THIS INJURY?

28 A I DO NOT RECALL.

1 EARLIER, WOULD THAT LEAD YOU TO BELIEVE THAT MAYBE HE HAD  
2 HAD AN EARLIER INJURY TO THAT PART OF HIS BODY THAT HAD BEEN  
3 HEALING AND THEN HE HIT THAT PART AGAIN?

4 MR. DEMERTZIS: OBJECTION, VAGUE AS TO TIME.  
5 EARLIER THAN WHAT?

6 MR. KURTZMAN: EARLIER THAN THE FRESH WOUND.

7 THE COURT: DO YOU UNDERSTAND THE QUESTION?

8 THE WITNESS: YEAH, BASICALLY COULD HE HAVE BEEN  
9 PUNCHED EARLIER, LIKE A WEEK OR TWO BEFORE, AND THEN GOTTEN  
10 PUNCHED THAT DAY.

11 Q MR. KURTZMAN: CORRECT. AND WHAT WAS YOUR RESPONSE?

12 A IT'S DEFINITELY A POSSIBILITY WITH THE YELLOWING  
13 THERE.

14 Q AND IN FACT THAT WOULD BE THE LOGICAL ASSUMPTION,  
15 GIVEN THE YELLOWING, IS HE HAD SOME KIND OF PRIOR INJURY  
16 THERE FROM EITHER FALLING OR GETTING PUNCHED OR HOWEVER HE  
17 SMACKED HIS HEAD, HE PROBABLY HAD SOME EARLIER INJURIES AND  
18 THEN GOT THESE AGAIN?

19 A THAT'S -- YEAH, I WOULD ASSUME THAT.

20 Q THE WOUNDS ON HIS FACE -- WHEN THERE IS FOREIGN MATTER  
21 IN A WOUND, AS IN DIRT OR SOMETHING LIKE THAT, YOU CLEAN  
22 THAT OUT; CORRECT?

23 A WE TRY TO, YEAH.

24 Q AND IN MR. DAVIS'S CASE WAS THERE FOREIGN MATTER IN  
25 THE WOUNDS TO THE FACE THAT NEEDED TO BE CLEANED OUT?

26 A I DON'T RECALL, BUT USUALLY WE HAVE TO CLEAN THEM OUT  
27 BY THE TIME THE PEOPLE ARE TAKING PHOTOS, SO IT'S HARD FOR  
28 ME TO SAY FOR SURE WHETHER OR NOT -- THE ANSWER IS I DON'T



1 PHOTO IT LOOKED LIKE THERE MIGHT HAVE BEEN A CONTUSION  
2 MISSED. THE OTHER PLACES TO LOOK MIGHT BE TO CHECK THE  
3 NURSES' NOTES. THEY ALSO TAKE INFORMATION WHEN THEY'RE  
4 GOING THROUGH, BUT LOOKING AT THAT, I DON'T SEE IT MARKED  
5 THERE EITHER.

6 Q WHICH PAGE IS THAT?

7 A THAT WOULD BE PAGE 21.

8 MR. KURTZMAN: THAT'S ALL I HAVE. THANK YOU.  
9 NOTHING FURTHER.

10 THE COURT: REDIRECT?

11 MR. DEMERTZIS: THANK YOU, YOUR HONOR.

12 REDIRECT EXAMINATION

13 Q (BY MR. DEMERTZIS) DOCTOR, IN TERMS OF THE LIST OF  
14 INJURIES -- AND I'M SURPRISED I DIDN'T ASK YOU, IT SEEMS SO  
15 OBVIOUS TO LIST THE INJURIES THAT YOU OBSERVED. BUT IN  
16 TERMS OF THE LIST OF INJURIES WOULD IT BE ACCURATE TO  
17 CATEGORIZE THEM AS EXTERNAL AND INTERNAL?

18 A YES.

19 Q IN TERMS OF EXTERNAL INJURIES WHAT ARE YOU AWARE OF  
20 THAT MR. DAVIS SUFFERED THAT DAY?

21 A MULTIPLE ABRASIONS AND CONTUSIONS, AND I BELIEVE HE  
22 HAD A LACERATION NEAR HIS FACE, AS WELL AS A STAB WOUND ON  
23 THE OUTSIDE.

24 Q AND WHAT INTERNAL INJURIES?

25 A INTERNAL INJURIES WOULD INCLUDE RIB FRACTURES,  
26 PNEUMOTHORAX.

27 Q DO YOU HAVE ANY IDEA HOW HE GOT THE RIB FRACTURES?

28 A BASED ON THE NUMBER OF CONTUSIONS HE HAD ON HIS BODY I

1 OF THEM GET BETTER, A THIRD STAY THE SAME, AND A THIRD GET  
2 WORSE. IN HIS CASE IT WAS THE THIRD THAT GETS BETTER. SO  
3 IT PROBABLY WOULD TAKE THE COURSE OF A WEEK FOR IT TO BE  
4 HEALED SO THAT YOU WOULD KNOW FOR SURE IT WASN'T GOING TO  
5 GET WORSE.

6 Q IS IT YOUR TESTIMONY, DOCTOR, THAT SOMEBODY WHO  
7 SUFFERS A PNEUMOTHORAX, EVEN SLIGHT, AND THAT PORTION OF THE  
8 LUNG THAT SUFFERS THE PNEUMOTHORAX WOULD ALWAYS REMAIN  
9 SOMEWHAT DIMINISHED?

10 A IT'S A POSSIBILITY.

11 Q YOU SAID A THIRD WOULD STAY THE SAME?

12 A RIGHT.

13 Q SO OF ALL THE -- SAY THE SEVERE PNEUMOTHORAX AND NOT  
14 VERY SEVERE -- LET'S TALK ABOUT THOSE NOT VERY SEVERE.  
15 YOU'RE CHARACTERIZING MR. DAVIS IN THAT GROUP THAT'S NOT  
16 VERY SEVERE; CORRECT?

17 A CORRECT.

18 Q OF THOSE NOT VERY SEVERE PNEUMOTHORAX, OR WHATEVER, OF  
19 THOSE HOW MANY WOULD NEVER GET BETTER?

20 A THAT WOULD BE -- IT'S AGAIN A THIRD, THIRD, AND THIRD,  
21 SO TWO-THIRDS I GET WOULD BE THE ANSWER TO THE QUESTION.  
22 BECAUSE ONE-THIRD WOULD GET WORSE AND A THIRD WOULD STAY THE  
23 SAME.

24 Q WITHOUT GETTING INTO TOO MUCH MATH, WOULD IT BE  
25 ACCURATE TO SAY THAT MR. DAVIS HAD A 33 PERCENT CHANCE THAT  
26 HIS PNEUMOTHORAX WOULD NEVER GET BETTER?

27 A YES.

28 Q AND THE FACT THAT HIS DID, AS FAR AS YOU KNOW, IS JUST

1 TELL YOU -- OKAY, I WENT -- WITHIN THE NEXT FEW MINUTES TIME  
2 FRAME I WENT TO THE BATHROOM, I DRANK A FEW SHOTS OF VODKA,  
3 I THINK I TURNED THE RADIO ON, AND I MAY HAVE GRABBED ONE  
4 MORE THING OUT OF THE REFRIGERATOR, SOMETHING TO EAT.  
5 ANYWAY, I PUT A FEW THINGS AWAY THAT I BROUGHT BACK WITH ME  
6 FROM THE BARBECUE.

7 Q AND AT SOME POINT DID CRAIG DAVIS COME BY YOUR PLACE  
8 THAT AFTERNOON OR EVENING?

9 A YES, HE DID. HE KNOCKED ON THE DOOR, ON THE SCREEN  
10 DOOR, MAYBE -- I'M GOING TO SAY MAYBE TEN MINUTES AFTER I  
11 GOT THERE.

12 Q AND WHAT HAPPENED WHEN HE KNOCKED ON YOUR DOOR?

13 A I HEARD HIS VOICE, I HEARD HIM SAY "ANYBODY HOME?" I  
14 KNEW IT WAS HIM. I SAID, "YEAH, COME ON IN." SO HE CAME  
15 IN.

16 Q WHAT HAPPENED AFTER HE CAME IN?

17 A HE SAID, "HEY, WHAT ARE YOU DOING?"

18 A I SAID "NUTHIN'." AND I LOOKED AT HIM AND I SAID,  
19 "THERE'S THE VODKA." AND IT WAS RIGHT THERE ON THE COUNTER.

20 Q WAS THIS NORMAL FOR YOU GUYS OR WAS THIS UNUSUAL?

21 A NO, THIS WAS NORMAL.

22 Q AND WHAT DID MR. DAVIS DO?

23 A HE WENT OVER AND TOOK A DRINK OF THE VODKA.

24 Q WHAT HAPPENED NEXT?

25 A NOTHING. WE STOOD -- WE JUST STOOD THERE AND, YOU  
26 KNOW, BASICALLY JUST WERE BULLSHITTING -- EXCUSE ME, WE WERE  
27 JUST TALKING AND HAVING A FEW DRINKS.

28 AND I -- I DID BRING UP -- PART OF THE CONVERSATION

1 WAS I DID BRING UP THE -- AT THE PARK WE HAD DISCUSSED THIS  
2 TOO. IF WE ARE GOING TO GO BACK TO TALKING ABOUT THAT --  
3 BUT I'LL ANSWER YOUR QUESTION.

4 WE TALKED A LITTLE BIT ABOUT A COUPLE OF COMPLAINTS  
5 THAT I HAD RECEIVED AT MY APARTMENT COMPLEX. AND THAT I HAD  
6 JUST RECENTLY HEARD ABOUT, LIKE MAYBE I THINK IT WAS EITHER  
7 ONE OR TWO DAYS EARLIER I HAD HEARD ABOUT THE COMPLAINT.

8 Q WHAT KIND OF COMPLAINTS WERE THEY?

9 A THE OWNER -- THE APARTMENT COMPLEX I LIVE IN DOES NOT  
10 HAVE AN ONSITE MANAGER OR OWNER ONSITE. THEY LIVE UP IN THE  
11 SACRAMENTO AREA. THEY COME DOWN ONCE A WEEK, THE MANAGER  
12 DOES, MONDAY MORNING BETWEEN 8:00 IN THE MORNING AND LIKE  
13 NOON. THAT'S THE ONLY TIME THEY'RE THERE.

14 SO MY MOM -- I TALKED TO MY MOM A FEW DAYS EARLIER,  
15 AND SHE TOLD ME THAT THE OWNER HAD CALLED HER AND TOLD  
16 HER --

17 MR. DEMERTZIS: JUDGE, I'M GOING TO OBJECT AS  
18 HEARSAY UNLESS THERE'S SOME OTHER REASON WE'RE HEARING ABOUT  
19 IT.

20 MR. KURTZMAN: HIS STATE OF MIND, YOUR HONOR.

21 MR. DEMERTZIS: WHO'S STATE --

22 MR. KURTZMAN: SHOULD WE APPROACH?

23 THE COURT: YOU NEED TO, BECAUSE I'M NOT  
24 UNDERSTANDING.

25 (DISCUSSION OFF THE RECORD.)

26 THE COURT: I'M GOING TO OVERRULE THE OBJECTION AT  
27 THIS TIME.

28 Q (BY MR. KURTZMAN) WHAT IS IT THAT THE APARTMENT

1       MANAGER TOLD YOUR MOTHER?

2       A       THAT HE HAD HAD TWO COMPLAINTS ABOUT -- RELATED TO  
3       APARTMENT 7, WHICH IS MY APARTMENT.

4       Q       WHAT WAS THE NATURE OF THOSE COMPLAINTS?

5       A       THE FIRST ONE --

6               THE COURT:  BEFORE WE GO ANY FURTHER, I WANT TO  
7       SAY FOR THE RECORD THAT I OVERRULED THE HEARSAY OBJECTION  
8       BECAUSE I BELIEVE THAT IT'S NOT BEING -- THIS CONVERSATION  
9       IS NOT BEING OFFERED FOR THE TRUTH BUT IT'S BEING OFFERED,  
10      AS YOU SAID AT THE BENCH, TO SHOW STATE OF MIND OF THE  
11      DEFENDANT.  TRUE?  IS THAT --

12              MR. KURTZMAN:  IF I COULD JUST EXPAND, YOUR HONOR.  
13      IT'S NOT -- MY CLIENT IS TELLING THE TRUTH AS TO WHAT HE'S  
14      SAYING.  IT'S THE TRUTH OF THE UNDERLYING FACTS OF THE  
15      CONVERSATION IS WHAT WE'RE NOT OFFERING IT FOR.

16              THE COURT:  THIS IS A CONVERSATION -- IT STARTED  
17      OFF WITH A CONVERSATION BETWEEN YOUR CLIENT AND MR. DAVIS?

18              MR. KURTZMAN:  CORRECT.

19              THE COURT:  IS IT THE CONVERSATION YOU WISH THE  
20      JURY TO HEAR BETWEEN MR. DAVIS AND YOUR CLIENT, IS THAT WHAT  
21      YOU WANT THEM TO HEAR, THE CONVERSATION THEY WERE HAVING?

22              MR. KURTZMAN:  WHAT MY CLIENT IS TALKING ABOUT IS  
23      WHY HE WAS HAVING THE CONVERSATION WITH MR. DAVIS, THE  
24      SOURCE OF HIS INFORMATION FOR HAVING THE CONVERSATION WITH  
25      MR. DAVIS.

26              THE COURT:  WHAT IS IT YOU WANT THE JURY TO HEAR,  
27      THE CONVERSATION THAT HE HAD WITH MR. DAVIS?  IS THAT  
28      ULTIMATELY WHAT YOU WANT THEM TO HEAR?

1 MR. KURTZMAN: YES, YOUR HONOR.

2 THE COURT: THEN LET'S GO TO THAT CONVERSATION.

3 Q (BY MR. KURTZMAN) WHAT IS IT THAT YOU TOLD MR. DAVIS?

4 A I TOLD MR. DAVIS THAT I'VE HAD A COUPLE OF COMPLAINTS,  
5 AND THAT THE LAST COMPLAINT THAT I HAD WAS ABOUT A PERSON  
6 THAT WAS FROM APARTMENT 7 THAT HAD BEEN SEEN URINATING  
7 OUTSIDE THE APARTMENT AND ALSO VOMITING NEAR THE MAILBOXES  
8 OF THE APARTMENTS AT APPROXIMATELY 10:00 ON A PREVIOUS  
9 SUNDAY NIGHT.

10 Q WAS THIS PERSON YOU?

11 A THIS PERSON WAS MR. DAVIS.

12 MR. DEMERTZIS: OBJECTION, SPECULATION.

13 THE COURT: I'M TAKING THAT ANSWER TO MEAN THAT  
14 YOU TOLD DAVIS THAT YOU THOUGHT THE REPORT WAS THAT HE WAS  
15 URINATING IN FRONT OF THE APARTMENT.

16 THE WITNESS: YES.

17 THE COURT: YOU TOLD DAVIS -- THIS IS WHAT YOU  
18 TOLD DAVIS?

19 THE WITNESS: YEAH, I TOLD HIM THAT FOR A REASON,  
20 IF YOU WANT ME TO EXPLAIN.

21 THE COURT: I THINK I UNDERSTAND THE REASON. YOU  
22 HEARD REPORTS ABOUT THINGS, AND YOU WERE TALKING TO  
23 MR. DAVIS ABOUT THESE REPORTS; IS THAT CORRECT?

24 THE WITNESS: YES.

25 THE COURT: AND YOU TOLD MR. DAVIS YOU HAD HEARD  
26 THAT HE WAS URINATING IN FRONT OF THE APARTMENT; AM I  
27 CORRECT?

28 THE WITNESS: YES.

1 THE COURT: SO IT WOULD NOT BE SPECULATION. IT'S  
2 JUST PART AND PARCEL OF THE CONVERSATION.

3 MR. DEMERTZIS: THANK YOU FOR CLARIFYING THAT,  
4 YOUR HONOR.

5 THE COURT: GO AHEAD.

6 Q (BY MR. KURTZMAN) AFTER YOU TOLD MR. DAVIS ABOUT  
7 THESE COMPLAINTS, WHAT HAPPENED NEXT?

8 A WELL, HE TRIED TO DENY IT AND SAY THAT IT WASN'T HIM.

9 Q AND WHAT HAPPENED AFTER THAT?

10 A I -- I EXPLAINED TO HIM THAT THE REPORT WAS -- STEMMED  
11 FROM SUNDAY NIGHT AT 10:00 AT NIGHT THE PREVIOUS SUNDAY, AND  
12 THAT ON THAT SUNDAY NIGHT AT APPROXIMATELY 9:00 AT NIGHT WAS  
13 ONE OF THE TIMES THAT I HAD ASKED HIM TO LEAVE THE HOUSE.  
14 SO HE WAS OUTSIDE THE APARTMENT COMPLEX AFTER 9:00 AT NIGHT  
15 ON SUNDAY NIGHT. I DIDN'T SEE HIM DO THAT.

16 MR. DEMERTZIS: JUDGE, I'M GOING TO OBJECT AS  
17 NARRATIVE AND AT THIS POINT IRRELEVANT. WE'RE NOT TALKING  
18 ABOUT MR. CRAIG DAVIS.

19 THE COURT: NO, BUT IT MAY BE RELEVANT, THE  
20 CONVERSATION THEY HAD, BECAUSE IT LEADS UP TO THE ALLEGED  
21 INCIDENT. THAT'S WHY I FIND RELEVANCE HERE. BUT I WANT TO  
22 STICK WITH THE CONVERSATION ITSELF. AND AGAIN, IF YOU COULD  
23 KEEP IT QUESTION AND ANSWER, THAT'S THE WAY WE DO THINGS  
24 HERE IN COURT.

25 MR. KURTZMAN: YES, YOUR HONOR.

26 Q (BY MR. KURTZMAN) WAS THERE OTHER THINGS THAT YOU  
27 TOLD CRAIG DAVIS, THAT CRAIG DAVIS TOLD YOU DURING THAT  
28 CONVERSATION THAT LED UP TO THE INCIDENT THAT ULTIMATELY

1 WE'RE HERE FOR?

2 A WELL, I -- WE TALKED ABOUT A NUMBER -- A COUPLE OF  
3 THINGS. WE TALKED ABOUT THE PARK, ABOUT WHAT HAPPENED AT  
4 THE PARK EARLIER, ABOUT THE GIRLS.

5 Q WHAT ABOUT WHAT HAPPENED AT THE PARK?

6 A WELL, WHAT HAPPENED AT THE -- THOSE PEOPLE THAT WERE  
7 SITTING OVER THERE, AND PARTICULARLY THE GIRLS, ARE PEOPLE  
8 THAT I'VE KNOWN FOR APPROXIMATELY THREE YEARS, MR. DAVIS HAS  
9 PROBABLY KNOWN FOR -- I KNOW HE'S KNOWN THEM FOR AT LEAST  
10 SEVEN YEARS. SO THEY ARE -- WE USED TO BE FRIENDS. AND  
11 THEY HAD THEIR LITTLE SPATS -- I MEAN MR. DAVIS AND THE  
12 GIRLS.

13 Q WHAT DID YOU AND MR. DAVIS TALK ABOUT ABOUT THE PARK?

14 A OKAY. WHEN I APPROACHED HIM, WHEN HE WAS 50 YARDS  
15 AWAY AND I WENT OVER AND APPROACHED HIM, I'LL TELL YOU WHAT  
16 WE TALKED ABOUT.

17 Q IN YOUR APARTMENT, AFTER YOU CAME HOME, YOU AND  
18 MR. DAVIS HAD A CONVERSATION ABOUT WHAT HAPPENED AT THE  
19 PARK. WHAT DID YOU TWO TALK ABOUT IN YOUR APARTMENT THAT  
20 EVENING ABOUT THE PARK?

21 A ONE OF THE THINGS I HAD MENTIONED TO HIM WAS THAT -- I  
22 SAID WHY -- WHY DID YOU GO OVER THERE AND START BEING RUDE  
23 AND VULGAR TO THOSE GIRLS WHEN JUST SECONDS 30 SECONDS PRIOR  
24 TO THAT YOU AND I WERE WALKING UP TO THE TABLE, I TOLD YOU  
25 DON'T GIVE THEM, YOU KNOW, A HARD TIME. THAT WAS ONE OF THE  
26 THINGS I DIDN'T UNDERSTAND, WHY HE TURNED AROUND AND DID  
27 THAT AND GOT HIMSELF THROWN OFF THE TABLE.

28 Q HOW DID HE REACT, TELLING HIM THIS?



1 A HE TRIED TO LIKE -- HE TRIED TO LIKE -- HE TRIED TO  
2 KIND OF DENY IT, MAKE IT LIKE IT WAS LESS, LIKE IT WASN'T A  
3 BIG DEAL, LIKE, YOU KNOW, OH THEY'RE JUST DEBBIE AND LINDA,  
4 THERE WAS NO BIG DEAL.

5 Q SO YOU TALKED ABOUT THE INCIDENT AT THE APARTMENT?

6 A RIGHT.

7 Q YOU TALKED ABOUT THE INCIDENT AT THE PARK?

8 A RIGHT.

9 Q WERE THERE OTHER TOPICS THAT YOU TALKED ABOUT THAT  
10 CAUSED FRICTION BETWEEN THE TWO OF YOU THAT EVENING?

11 A THERE -- ALONG WITH THE TALKING ABOUT THE -- OKAY,  
12 YES, WELL, FRICTION, YES.

13 Q WHO WAS THAT?

14 A THAT WAS THE FACT THAT AT THAT POINT IN TIME HE WAS IN  
15 THE APARTMENT, HE WAS EXTREMELY INTOXICATED, AND I REMINDED  
16 HIM OF THE FACT THAT THE COMPLAINTS -- AND I TOLD HIM,  
17 CRAIG, YOU CANNOT SPEND THE NIGHT HERE TONIGHT. I SAID,  
18 "SORRY, I KNOW YOU HAVE NO PLACE TO GO, BUT YOU'VE BEEN HERE  
19 THREE MONTHS. YOU HAVE TO LEAVE."

20 Q HOW DID HE REACT TO THAT?

21 A WELL, HE -- HE -- HE WASN'T REALLY ANGRY. I COULD  
22 TELL HE WAS PROBABLY -- PROBABLY UPSET HIM A LITTLE BIT. HE  
23 WASN'T YELLING, THOUGH OR, YOU KNOW, MAD OR SWINGING AT ME  
24 OR ANYTHING.

25 Q WHERE WERE YOU STANDING WHEN THIS CONVERSATION WAS  
26 HAPPENING?

27 A IN THE KITCHEN AREA, BORDERLINE KITCHEN AREA, LIVING  
28 ROOM AREA.

1 Q HOW BIG IS THE KITCHEN AREA?

2 A FROM THE STOVE TO THE KITCHEN COUNTER IS ABOUT THIS  
3 WIDE (INDICATING).

4 Q AND YOU'RE GESTURING THE WIDTH OF THE PODIUM YOU'RE --

5 A RIGHT, THAT'S THE SIZE OF THE FLOOR.

6 Q -- SITTING AT.

7 ONLY ONE OF US CAN TALK AT A TIME.

8 A I'M SORRY.

9 Q AFTER THIS CONVERSATION -- THESE SERIES OF  
10 CONVERSATIONS WHAT HAPPENED BETWEEN YOU AND MR. DAVIS?

11 A WELL, AFTER ABOUT, I'D SAY A HALF AN HOUR TO  
12 FORTY-FIVE MINUTES, THE BOTTLE WAS GONE. I TOLD CRAIG -- I  
13 SAID, "OKAY, CRAIG, LOOK, THE BOTTLE IS GONE. YOU HAVE TO  
14 LEAVE NOW."

15 Q AND WHAT DID MR. DAVIS DO?

16 A HE KIND OF LOOKED AT ME A LITTLE BIT SURPRISED, LIKE I  
17 REALLY WASN'T GOING TO MAKE HIM LEAVE.

18 Q WHAT HAPPENED NEXT?

19 A I SAID, "LOOK, CRAIG," I SAID -- BEFORE I SAID, "I'M  
20 SORRY, CRAIG, BUT YOU HAVE TO GO." I SAID, "I KNOW YOU  
21 DON'T HAVE ANYPLACE TO GO, BUT I CAN'T HAVE ANOTHER INCIDENT  
22 LIKE THIS HAPPEN, YOU KNOW, OTHERWISE I'M GOING TO GET  
23 KICKED OUT OF HERE." SO I ASKED HIM TO LEAVE.

24 Q AND WHAT DID MR. DAVIS DO?

25 A AT THAT POINT HE SAID HE WAS GOING TO JUST WALK OUT  
26 AND LEAVE, AND HE SAID SOMETHING TO THE EFFECT OF, OH, I'VE  
27 GOT TO GET MY PAPERS. I HAVE MY PAPERS OVER THERE.

28 Q AND WHAT DID YOU DO?

1 A HE WAS POINTING TOWARDS A CLOSET THAT'S IN THE KITCHEN  
2 AREA. AND I SAID -- I DIDN'T KNOW WHAT KIND OF PAPERS HE  
3 WAS TALKING, ABOUT SO I SAID "JUST A MINUTE, I'LL GET YOUR  
4 PAPERS." I OPENED THE CLOSET, I LOOKED THROUGH THE CLOSET.  
5 I DIDN'T FIND ANY PAPERS.

6 Q WHAT HAPPENED NEXT?

7 A I CLOSED THE CLOSET DOOR, AND I WALKED BACK AND I  
8 SAID, "I CAN'T FIND YOUR PAPERS. IF YOU COME BACK TOMORROW,  
9 I'LL GIVE YOU YOUR PAPERS. I'M NOT GOING TO STEAL YOUR  
10 PAPERS. JUST GRAB YOUR BACKPACK AND LEAVE."

11 Q WHAT DID MR. DAVIS DO?

12 A HE GRABBED HIS BACKPACK AND HE LEFT. HE WALKED OUT  
13 THE DOOR.

14 Q WHAT DID YOU DO?

15 A I WALKED BACK IN THE KITCHEN AND WENT TO THE  
16 REFRIGERATOR. I GRABBED SOMETHING OUT OF THE FRIDGE. I  
17 DON'T RECALL WHAT. I THINK I GRABBED SOME JUICE.

18 Q AND WHAT DID YOU DO THEN?

19 A NEXT I -- I WAS IN THE KITCHEN FOR JUST A COUPLE OF  
20 MINUTES. I MAY HAVE GONE TO THE BATHROOM, AND THEN AFTER  
21 THAT I WENT -- THE KITCHEN AND LIVING ROOM ARE CONNECTED,  
22 AND THERE'S A CHAIR THAT I NORMALLY SIT IN IN THE LIVING  
23 ROOM. AND I SAT DOWN THERE IN THE CHAIR, LISTENED TO SOME  
24 MUSIC, DRANK A LITTLE BIT OF THAT JUICE. THAT WHOLE THING,  
25 PROBABLY THE WHOLE TIMELINE THERE WAS PROBABLY ABOUT MAYBE  
26 TEN MINUTES.

27 Q AND AFTER THAT TEN MINUTES HAD PASSED, WHAT HAPPENED?

28 A AFTER THAT TEN MINUTES HAD PASSED -- OKAY, I'M GOING

1 TO TELL YOU WHAT I DID. IT WAS LIKE -- I'M GOING TO HAVE TO  
2 KIND OF SET IT UP, BUT I WON'T DO THAT, I'LL JUST TELL YOU  
3 WHAT I DID. I GOT UP TO GO OUTSIDE TO LOOK TO SEE IF CRAIG  
4 DAVIS WAS PASSED OUT ON THE OTHER SIDE OF MY APARTMENT  
5 BUILDING ON THE STREET SIDE.

6 Q WHY DID YOU GO DO THAT?

7 A I DID THAT BECAUSE ON TWO OR THREE OCCASIONS PRIOR TO  
8 THAT THAT'S WHAT HE HAS DONE IN BROAD DAYLIGHT. HE'S WALKED  
9 OVER THERE AND JUST PASSED OUT RIGHT ON THE PARKWAY GRASS  
10 ALONG THE SIDEWALK ON THE STREET CALLED CALIENTE.

11 Q AND WHAT HAPPENED WHEN YOU WENT OUTSIDE TO LOOK FOR  
12 MR. DAVIS?

13 A I WALKED OUT THE DOOR, EXPECTING HIM TO BE ON THE  
14 OTHER SIDE OF THE BUILDING, WHICH IS WHERE THE STREET WAS.  
15 AND AS SOON AS I WALKED OUT -- I OPENED THE DOOR TO WALK  
16 OUT, I GLANCED TO MY RIGHT, WHICH IS THE DIRECTION I WAS  
17 GOING TO GO, AND HE WAS PASSED OUT ON THE GROUND, ON THE  
18 CEMENT, ON HIS BACK, WITH HIS BACKPACK UP UNDER HIS HEAD,  
19 HIS ARMS LIKE THIS (INDICATING). AND HE WAS APPROXIMATELY  
20 FROM MY DOOR MAYBE TO WHERE THE STENOGRAPHER IS, MAYBE EVEN  
21 ABOUT A FOOT CLOSER THAN THAT.

22 MR. KURTZMAN: FOR THE RECORD, TWO THINGS: WHEN  
23 MR. HANCOCK GESTURED "LIKE THIS," HE SPLAYED HIS ARMS OUT AT  
24 ABOUT SHOULDER HEIGHT, SPREAD WIDE. AND THE DISTANCE  
25 BETWEEN MR. HANCOCK AND THE STENOGRAPHER IS ABOUT FOUR FEET.

26 THE COURT: THE RECORD WILL REFLECT BOTH.

27 MR. KURTZMAN: THANK YOU.

28 Q (BY MR. KURTZMAN) AND SO YOU SAW MR. DAVIS LAYING ON

1 THE CEMENT?

2 A YES.

3 Q AND WAS HE AWAKE? WAS HE ASLEEP? WHAT WAS HIS  
4 CONDITION?

5 A HE WAS ASLEEP.

6 Q AND WHAT DID YOU DO?

7 A I -- I WALKED OVER TO HIM. AND I SAID, "COME ON,  
8 CRAIG, WAKE UP, YOU CAN'T STAY HERE. YOU GOT TO GET UP."

9 Q WHAT DID MR. DAVIS DO?

10 A HE DIDN'T MOVE. HE WAS OUT.

11 Q WHAT WAS YOUR REACTION TO THAT?

12 A I RAISED MY VOICE A LITTLE BIT LOUDER, TOLD HIM, "HEY,  
13 SOME ON, CRAIG, GET UP, YOU CAN'T SLEEP HERE."

14 Q WHAT DID MR. DAVIS DO?

15 A NOTHING. DIDN'T MOVE.

16 Q WHAT DID YOU DO?

17 A I REACHED DOWN AND I GRABBED HIS ARM, AND I BELIEVE --  
18 WOULD HAVE BEEN HIS LEFT ARM. GRABBED HIS LEFT ARM AND  
19 STARTED TO SHAKE HIM A LITTLE BIT AND SAYING, "COME ON,  
20 CRAIG, WAKE UP, WAKE UP, WAKE UP."

21 Q WHAT DID MR. DAVIS DO?

22 A NO RESPONSE.

23 Q WHAT DID YOU DO NEXT?

24 A NEXT AFTER SHAKING HIM A FEW TIMES, "A FEW" MEANING, I  
25 DON'T KNOW, PROBABLY THREE OR FOUR TIMES JUST SHAKING HIM,  
26 AND I SLAPPED HIM, NOT -- I DIDN'T SLAP HIM HARD. I SLAPPED  
27 HIM LIGHTLY ON HIS FACE. I WASN'T TRYING TO HURT HIM.

28 Q WHAT MR. DAVIS DO?

1 A NOTHING. IT WAS LIKE HE WAS DEAD.

2 Q WHAT DID YOU DO NEXT?

3 A I SLAPPED HIM -- I CONTINUED TO SLAP HIM A LITTLE BIT  
4 HARDER, A LITTLE BIT HARDER, NOT AS HARD AS I CAN OR  
5 ANYTHING LIKE THAT, BUT I CONTINUED TO SLAP HIM, AT THE SAME  
6 TIME SAYING "WAKE UP, WAKE UP, COME ON, CRAIG, WAKE UP WAKE  
7 UP."

8 Q WHAT DID MR. DAVIS DO?

9 A HE DIDN'T WAKE UP.

10 Q WHAT DID YOU DO NEXT?

11 A I CONTINUED TO DO THAT. AND I INCREASED HOW HARD I  
12 WAS SLAPPING HIM. I PROBABLY DID THAT -- WHOLE SCENE FROM  
13 START TO FINISH PROBABLY WAS MAYBE THREE MINUTES.

14 Q DID MR. DAVIS ULTIMATELY WAKE UP, OR DID HE CONTINUE  
15 TO SLEEP?

16 A NO, HE WOKE UP.

17 Q WHAT HAPPENED AFTER HE WOKE UP?

18 A HE WOKE UP, AND HE WAS GROGGY, AND I ASSISTED HIM TO  
19 HIS FEET. AND WALKED HIM INTO MY APARTMENT.

20 Q AND WHEN YOU WALKED HIM INTO YOUR APARTMENT, WHAT  
21 HAPPENED?

22 A WELL, I WALKED HIM INTO THE APARTMENT. AS SOON AS YOU  
23 WALK IN, YOU'RE IN THE LIVING ROOM AREA. I WALKED HIM IN  
24 PROBABLY ABOUT FOUR OR FIVE FEET FROM THE FRONT DOOR INSIDE  
25 THE APARTMENT.

26 Q AND WHAT HAPPENED AFTER HE WAS FOUR OR FIVE FEET INTO  
27 THE APARTMENT?

28 A I TOLD -- I -- OKAY, I LOOKED AT HIS FACE, AND HE HAD

1 A LITTLE -- A SMALL TRICKLE OF BLOOD ON HIS FACE. HIS FACE  
2 WAS A LITTLE BIT RED BUT WE HAD BEEN -- THE LAST THREE DAYS  
3 WE HAD BEEN OUTSIDE AND AT THE PARK FOR, YOU KNOW, FOR  
4 PROBABLY -- I DON'T KNOW, I'M JUST GOING TO SAY THREE OR  
5 FOUR HOURS OF THE DAY IN THE SUN. AND MY FACE WAS RED AS  
6 WELL. BUT I UNDERSTAND HIS FACE WAS PROBABLY ALSO RED FROM  
7 ME SLAPPING HIM.

8 Q AND WHAT DID HE DO ABOUT THE TRICKLE OF BLOOD?

9 A I -- WELL, HE DIDN'T DO ANYTHING. HE WAS -- HE WAS  
10 STANDING THERE, HE WAS CONSCIOUS, BUT HE WAS LIKE -- I DON'T  
11 KNOW, HE WAS -- HE WASN'T SAYING ANYTHING. I WAS SAYING,  
12 "COME ON, CRAIG, YOU KNOW, YOU GOT TO GET CLEANED UP AT  
13 LEAST."

14 Q WHAT DID YOU DO?

15 A OKAY, I WENT IN THE BEDROOM AND I GRABBED A TOWEL, I  
16 GRABBED A COUPLE OF RAGS. ONE, I BELIEVE, WAS A TOWEL AND  
17 ANOTHER ONE WAS A PAIR OF UNDERWEAR. MIGHT SOUND FUNNY. IT  
18 WAS A CLEAN PAIR OF UNDERWEAR OUT OF THE UNDERWEAR DRAWER,  
19 AND I GAVE THOSE TO HIM TO WIPE HIS FACE OFF.

20 Q WHAT HAPPENED AFTER HE WIPED HIS FACE OFF?

21 A AS HE WAS DOING THAT I WAS TELLING HIM, "LOOK, CRAIG,  
22 WHY DON'T YOU GET THE SHOWER. I'LL GIVE YOU SOME CLEAN  
23 CLOTHES, YOU KNOW, TO PUT ON."

24 AND THE REASON I SAID THAT IS BECAUSE OFTENTIMES HE  
25 MIGHT GO A FEW DAYS WITHOUT CHANGING HIS CLOTHES. AND I HAD  
26 A LOT OF CLEAN CLOTHES IN MY HOUSE, AND SO I DIDN'T MIND,  
27 GIVE HIM A SHIRT OR PAIR OF UNDERWEAR OR PAIR OF PANTS.

28 Q DID MR. DAVIS GET INTO THE SHOWER?

1 A RIGHT ON THE BORDER OF WHERE THE LINOLEUM -- WHERE THE  
2 KITCHEN AND THE LIVING ROOM BORDER EACH OTHER. THE LIVING  
3 ROOM IS CARPETED AND THE KITCHEN HAS LINOLEUM, AND IT WAS  
4 BASICALLY RIGHT NEAR THAT BORDERLINE THERE.

5 Q AND WHAT DID MR. DAVIS DO NEXT?

6 A NOTHING.

7 Q WHAT DID YOU DO?

8 A I REPEATED MYSELF PROBABLY -- I DON'T KNOW,  
9 PROBABLY -- PROBABLY FIVE OR SIX TIMES I REPEATED MYSELF.

10 Q DID MR. DAVIS REACT AT ALL TO WHAT YOU WERE TELLING  
11 HIM?

12 A NO, HE ALMOST ACTED LIKE HE DIDN'T HEAR ME.

13 Q AND WHAT DID YOU DO?

14 A I JUST RAISED -- I RAISED MY VOICE A NUMBER OF TIMES  
15 AND BASICALLY REPEATED THE SAME THING, "YOU HAVE TO GET OUT  
16 OF HERE, YOU HAVE TO LEAVE. YOU CAN'T STAY HERE."

17 Q AT ANY POINT DID MR. DAVIS REACT TO WHAT YOU WERE  
18 DOING OR SAYING?

19 A WELL, I MEAN HE MOVED A LITTLE BIT BUT HE COULDN'T --  
20 HE WASN'T -- WE WEREN'T HAVING A CONVERSATION.

21 Q WHAT DID YOU DO ABOUT THAT?

22 A OKAY, WELL, I TRIED TO -- I TRIED TO PUT MY -- WELL, I  
23 PUT MY ARM ON HIS BACK AND KIND OF LIKE LEAD HIM TOWARDS THE  
24 DOOR, BUT HE STILL WOULDN'T MOVE. I PUT MY ARM ON HIS BACK.  
25 HE STILL WASN'T MOVING, HE WAS JUST STANDING THERE LIKE, I  
26 DON'T KNOW, LIKE A STATUE.

27 Q AND WHAT HAPPENED NEXT?

28 A OKAY, NEXT -- OKAY, THEN NEXT I GRABBED -- I HAD A



1 HOLD OF ONE OF HIS -- I GRABBED ONE OF HIS ARMS. I PUT MY  
2 LEFT HAND ON HIS LOWER BACK -- IT WAS HIGHER -- HIS LOWER  
3 BACK OR HIS ARM -- HIS ARM WAS AT HIS SIDE. MY RIGHT HAND  
4 WAS ON HIS RIGHT SHOULDER.

5 Q AND WHAT HAPPENED NEXT?

6 A I WAS STILL REPEATING MYSELF, TRYING TO GET HIM TO  
7 GO -- THE DOOR WAS THAT WAY, AND WE WERE HERE, AND I WAS  
8 TRYING TO GET HIM TO GO TO THE LEFT TOWARDS THE DOOR.

9 MR. KURTZMAN: AND FOR THE RECORD MR. HANCOCK HAS  
10 GESTURED TO HIS LEFT AND HAS MADE MOVEMENT, PIVOTING HIS  
11 BODY, WITH HIS RIGHT HAND RAISED TO A LITTLE ABOVE SHOULDER  
12 LENGTH, AND HIS LEFT HAND IN CUPPED FASHION AS HE'S SEATED,  
13 ABOUT CHEST LEVEL, GESTURING IN A WAY TO TRY AND TURN  
14 SOMEBODY TO THEIR LEFT.

15 THE COURT: IS THAT WHAT YOU DID?

16 THE WITNESS: YEAH.

17 THE COURT: PROCEED.

18 Q (BY MR. KURTZMAN) AND WHAT HAPPENED AFTER YOU STARTED  
19 TO TRY AND GUIDE HIM TOWARD THE DOOR?

20 A OKAY. HE WAS -- HE STILL WASN'T MOVING. IT WAS  
21 ALMOST LIKE HE WASN'T GOING TO MOVE. OVER THE COURSE OF  
22 PROBABLY THE NEXT THREE OR FOUR MINUTES -- I DIDN'T STAND  
23 RIGHT THERE WITH HIM THE WHOLE TIME.

24 I STEPPED BACK AWAY FROM HIM, WALKED INTO THE KITCHEN,  
25 GOT SOMETHING TO DRINK OUT OF THE REFRIGERATOR, AND I WAS  
26 TALKING TO HIM, NOT EVERY -- ALMOST THE WHOLE TIME I WAS  
27 TALKING TO HIM, SAYING, "CRAIG, YOU CAN'T DO THIS. YOU GOT  
28 TO GO. YOU HAVE TO LEAVE."

1 I THEN WALKED BACK UP TO HIM AND SAY, "COME ON," PUT  
2 MY ARM AROUND HIS SHOULDER, "COME ON, LET'S GO," AND ONCE  
3 AGAIN HE'S NOT GOING.

4 Q DID HE EVER RESPOND TO THOSE VERBAL OR PHYSICAL  
5 COMMANDS?

6 A HE MUMBLED -- HE MUMBLED SOMETHING ONCE OR TWICE. IT  
7 WAS -- YOU KNOW, I DIDN'T EVEN UNDERSTAND -- I MEAN I DON'T  
8 RECALL EVEN WHAT IT WAS THAT HE SAID.

9 Q AND WHAT DID YOU DO NEXT?

10 A WELL, THAT -- THAT -- THAT -- OKAY. ON EITHER THE  
11 SECOND OR THIRD TIME THAT I WALKED UP TO HIM AND GRABBED HIM  
12 LIKE THAT, I TRIED TO GET HIM TO GO, I WAS KIND OF -- YOU  
13 KNOW, I WASN'T PUSHING HIM HARD, BUT I WAS TRYING TO LEAD  
14 HIM TOWARD THE DOOR, AND HE JERKED AWAY FROM ME. HE JERKED  
15 AWAY FROM ME ACTUALLY A COUPLE OF TIMES.

16 BUT HE JUST JERKED AWAY AND JUST -- HE DIDN'T -- HE  
17 DIDN'T -- HE DIDN'T GO ANYWHERE, HE JERKED AWAY, AND THEN HE  
18 STILL STOOD THERE LIKE HE WASN'T GOING TO MOVE OR THAT WAS  
19 HIS SPOT OR SOMETHING. I DON'T KNOW.

20 Q AT SOME POINT DID THIS DYNAMIC OF YOU TRYING TO GET  
21 HIM TO LEAVE AND HIM REFUSING TO MOVE, DID ANYTHING CHANGE  
22 IN THAT DYNAMIC?

23 A WELL, ME. MAYBE I MAY HAVE TRIED TO -- TRIED A LITTLE  
24 HARDER TO GET HIM TO MOVE, AS FAR AS GRABBING HIM WITH MY  
25 HANDS. I MEAN I DIDN'T HIT HIM WITH ANYTHING OR SOCK HIM OR  
26 ANYTHING LIKE THAT. NO. I JUST -- THE ONLY DYNAMIC WAS,  
27 THE CHANGE MAYBE WAS ME TRYING A LITTLE BIT HARDER TO GET  
28 HIM TO GO TO THE DOOR.

1 Q HOW LONG DID YOU TRY AND GET HIM TO GO TO THE DOOR?

2 A PROBABLY -- THAT WHOLE THING PROBABLY TOOK BETWEEN  
3 FIVE AND TEN MINUTES.

4 Q AND YOU EVENTUALLY STOPPED TRYING TO GET HIM TO GO TO  
5 THE DOOR?

6 A NO. I -- WELL, I TRIED FOR A MINUTE OR SO AND THEN  
7 STOPPED FOR A MINUTE OR TWO AND JUST RECEDED FIVE OR SIX  
8 FEET BACK INTO THE KITCHEN. I DIDN'T STOP TALKING TO HIM.  
9 I WAS STILL SAYING, "COME ON, CRAIG, DON'T MAKE ME GO  
10 THROUGH THIS AGAIN."

11 Q DID MR. DAVIS EVENTUALLY LEAVE YOUR APARTMENT?

12 A NO.

13 Q WHY NOT?

14 A BECAUSE ONE OF THE TIMES WHEN I WAS TRYING TO GRAB HIM  
15 TO GET HIM TO GO -- AND NOW AT THIS POINT I'M USING MORE  
16 FORCE, TRYING TO GET HIM TO GO, HE TURNED. HE TURNED  
17 QUICKLY, OKAY, AND I WASN'T EXPECTING IT, AND WHEN HE TURNED  
18 QUICKLY, I GOT HIT RIGHT HERE ON THE LEFT-HAND SIDE OF MY  
19 FACE.

20 Q AND YOU SAY, "I GOT HIT." DID YOU FALL INTO  
21 SOMETHING? WHAT HAPPENED?

22 A YES. WHEN I GOT HIT, I GOT HIT ESPECIALLY HARD. I  
23 FELT -- LIKE I SAID, THE DISTANCE OF THE KITCHEN WAS ABOUT  
24 THIS WIDE. I FELL BACK TO THE COUNTER, WHICH WAS ONLY THIS  
25 FAR, A FOOT BEHIND ME, PUT MY HAND ON THE COUNTER TO BRACE  
26 MYSELF.

27 Q YOU SAID YOU GOT HIT. DID YOU HIT YOUR HEAD ON THE  
28 WALL? WHEN YOU SAID YOU GOT HIT, FOR THE RECORD YOU

1 GESTURED TOWARD THE LEFT SIDE OF YOUR FACE. DID YOU GET HIT  
2 ON THE WALL? WHAT HIT YOU?

3 A I BELIEVE IT WAS A PAN OFF THE STOVE.

4 Q AND HOW IS IT THAT YOU HIT A PAN OFF THE STOVE WITH  
5 YOUR FACE?

6 A MR. DAVIS HIT ME WITH IT.

7 Q OKAY. SO YOU WERE TRYING TO GUIDE MR. DAVIS OUT OF  
8 THE APARTMENT, AND MR. DAVIS HIT YOU WITH A PAN OFF THE  
9 STOVE?

10 A YES.

11 Q HOW IS IT THAT HE HIT YOU WITH A PAN OFF THE STOVE?  
12 HOW DID HE GET THE PAN?

13 A OKAY, HE HAD HIS -- WE WERE BOTH IN THE KITCHEN, IN  
14 THE BORDERLINE KITCHEN AREA AND THE LIVING ROOM AREA. RIGHT  
15 THERE IN THE BORDERLINE -- I THINK THERE'S A PICTURE OVER  
16 THERE.

17 BUT ON THE SIDE -- HE HAD HIS BACK TO ME, AND THE  
18 STOVE WAS RIGHT -- WAS RIGHT IN FRONT OF HIM. THE  
19 COUNTERTOP WHERE THE KITCHEN -- WHERE THE UTENSILS AND ALL  
20 THAT STUFF ARE WAS RIGHT BEHIND ME IN AN AREA -- WE WERE  
21 BOTH IN AN AREA THIS NARROW.

22 Q SO AS YOU WERE STANDING IN THE KITCHEN, HOW FAR WAS  
23 MR. DAVIS FROM THE STOVE?

24 A ONE FOOT.

25 Q WAS THERE ANYTHING ON THE STOVE?

26 A YES, THERE WAS.

27 Q WHAT WAS ON THE STOVE?

28 A THERE WAS A -- A COUPLE OF FRYING PANS AND, I BELIEVE,

1 A POT.

2 Q AND IS THAT WHERE YOU BELIEVE MR. DAVIS GOT THE FRYING  
3 PAN FROM?

4 A YES.

5 Q SO MR. DAVIS SPUN AND HIT YOU IN THE FACE WITH THE  
6 FRYING PAN. WHAT HAPPENED NEXT?

7 A I FELL BACK MAYBE A FOOT AND CAUGHT MY BALANCE WITH MY  
8 HAND, MY LEFT HAND ON THE KITCHEN COUNTER, RIGHT NEAR THE  
9 SINK.

10 Q AND WHAT HAPPENED AFTER YOU PUT YOUR HAND ON THE  
11 KITCHEN COUNTER?

12 A I LANDED THIS WAY, AND THERE WAS A KNIFE ABOUT MAYBE  
13 SIX INCHES FROM MY HAND, SIX INCHES OR CLOSER. IT WAS CLOSE  
14 TO MY HAND.

15 Q AND FOR THE RECORD YOU LEANED BACK AND REACHED BACK  
16 WITH YOUR LEFT ARM WHEN YOU SAID "LIKE THIS"; CORRECT?

17 A CATCHING MY BALANCE, YEAH.

18 Q WHAT HAPPENED NEXT?

19 A I GRABBED THE KNIFE AND I LASHED OUT WITH IT.

20 Q AND WHAT DO YOU MEAN BY "I LASHED OUT"? WHAT DID YOU  
21 DO WITH IT?

22 A I WENT LIKE THIS (INDICATING). I GRABBED THE KNIFE  
23 AND I WENT LIKE THAT.

24 Q AND YOU'RE GESTURING THAT YOU REACHED BACK WITH YOUR  
25 LEFT HAND, CLOSED YOUR LEFT HAND LIKE YOU WERE STABBING AN  
26 OBJECT, AND THEN MOVED YOUR BODY SO YOUR LEFT HAND CAME  
27 FORWARD IN FRONT OF YOUR BODY?

28 A RIGHT.

1 Q AND WHAT HAPPENED WITH THE KNIFE?

2 A WELL, I PULLED IT OUT REAL QUICK, AND MR. DAVIS  
3 SAID -- HE MADE A COMMENT LIKE -- LIKE -- LIKE "OOH, WHAT  
4 WAS THAT" OR --.

5 Q WHAT DID YOU PULL THE KNIFE OUT OF?

6 A OUT OF HIM.

7 Q SO WHEN YOU LASHED OUT WITH THE KNIFE, DID IT GO INTO  
8 MR. DAVIS?

9 A YES, IT DID.

10 Q AND THEN MR. DAVIS MADE A COMMENT?

11 A YEAH. HE REACHED BACK WITH HIS HAND AND HE SAID -- HE  
12 SAID SOMETHING LIKE -- ONCE AGAIN, IT WASN'T VERY AUDIBLE.  
13 HE SAID SOMETHING LIKE, "OH, WHAT WAS THAT," OR -- AND  
14 RUBBED IT WITH HIS HAND.

15 Q WHAT HAPPENED NEXT?

16 A NEXT I -- I -- I TURNED THE WATER -- I -- OKAY, I  
17 TURNED THE WATER ON IN THE SINK. I RINSED AND WASHED THE  
18 KNIFE OFF, I PUT THE KNIFE INSIDE -- I HAVE A BUCKET IN THE  
19 SINK WHERE THE DIRTY DISHES GO -- AND THREW THE KNIFE IN  
20 THERE. TURNED THE WATER OFF.

21 I LOOKED -- LOOK AT CRAIG, AND HE WAS ONCE AGAIN JUST  
22 STANDING THE SAME WAY HE HAD BEEN STANDING THE LAST FIVE OR  
23 TEN MINUTES, AND I GRABBED A COUPLE OF PAPER TOWELS, I  
24 WADDED THEM UP, I WALKED OVER AND I SAID, "COME ON." I  
25 SAID, "ARE YOU GOING TO LEAVE NOW, CRAIG?"

26 Q WHAT HAPPENED NEXT?

27 A THAT'S WHAT I SAID. I PLACED THE PAPER TOWELS ON THE  
28 -- I COULD SEE A LITTLE BIT OF BLOOD RIGHT HERE. I MEAN IT

1 WAS A SMALL AMOUNT. I KNOW I SAW THE PICTURES THERE, BUT IT  
2 WAS NOTHING LIKE THAT. IT WAS A SMALL AMOUNT. AND I PUT  
3 THE PAPER TOWELS ON IT AND WITH MY ARM ON HIS SHOULDER AND  
4 APPLYING DIRECT PRESSURE TO STOP THE BLEEDING.

5 Q YOU'VE INDICATED YOUR LEFT SIDE, BASICALLY JUST AROUND  
6 NIPPLE HEIGHT ON THE LEFT SIDE TOWARDS THE BACK.

7 A YES, IT WAS LIKE RIGHT AROUND HERE. I KNOW IT SAYS  
8 "BACK" ON THERE, BUT IT WAS LIKE -- MAYBE IT WAS -- I DON'T  
9 KNOW HOW YOU CONSIDER "BACK." IT WAS LIKE ON THE SIDE IN  
10 THE BACK AREA.

11 Q AND WHAT HAPPENED AFTER YOU STARTED PUTTING THE DIRECT  
12 PRESSURE ON THE CUT?

13 A NOTHING. I JUST -- HE MAY HAVE MUMBLED A COUPLE OF  
14 THINGS, BUT WE WEREN'T STANDING THERE LIKE HAVING A  
15 CONVERSATION. I WAS JUST HOLDING THE PAPER TOWEL WITH HIM  
16 THERE, AND THEN I SAID, "HERE, HOLD THIS" -- I SAID, "HERE,  
17 HOLD THIS ON THERE" AND APPLIED DIRECT PRESSURE AND TRIED TO  
18 GET HIM TO HOLD IT THERE, RIGHT, AND HE DID HOLD IT THERE.  
19 AND I SAYS, "JUST A SECOND, I'LL BE RIGHT BACK," AND I  
20 WALKED FROM THE LIVING ROOM INTO MY BATHROOM.

21 Q AND WHAT HAPPENED AFTER YOU WALKED INTO YOUR BATHROOM?

22 A I WENT INTO MY BATHROOM AND I OPENED THE MEDICINE  
23 CABINET, BECAUSE I THOUGHT IT MIGHT HAVE HAD SOME BAND-AIDS  
24 IN THERE, BECAUSE THAT'S WHAT I THOUGHT WOULD HELP STOP THE  
25 BLEEDING, WAS THE BAND-AID, AND I OPENED THE CABINET, AND I  
26 DIDN'T HAVE ANY BAND-AIDS.

27 Q WHAT HAPPENED NEXT?

28 A NEXT AFTER THAT I -- OKAY, AFTER THAT I CAME BACK OUT,

1 BUT I MAY HAVE GRABBED A TOWEL ON THE WAY OUT. I HAVE MY  
2 TOWEL IN MY BEDROOM, WHICH IS ON THE WAY OUT. IT'S ALL A  
3 MATTER OF FIFTEEN OR TWENTY FEET FROM THE BATHROOM TO WHERE  
4 THEY WERE STANDING.

5 Q WHAT HAPPENED WHEN YOU WENT OUT?

6 A I WENT OUT AND I GOT SOME MORE PAPER TOWELS. I  
7 GRABBED SOME TOILET PAPER FROM THE BATHROOM, AND I BROUGHT  
8 THAT OUT AND GAVE A WAD OF THAT TO HIM TO REPLACE THE PAPER  
9 TOWELS HE ALREADY HAD ON THERE. AND I TOOK AND I THREW THE  
10 PAPER TOWELS AWAY AND -- OKAY.

11 Q WHAT HAPPENED AFTER YOU THREW THE PAPER TOWEL AWAY?

12 A AFTER I THREW THE PAPER TOWELS AWAY, I WAS ONCE AGAIN  
13 STANDING OVER THERE RIGHT NEXT TO CRAIG, AND HE HAD THE  
14 TOILET PAPER ON THERE, AND IT WAS STARTING TO GET -- WHAT DO  
15 YOU WANT TO CALL IT, SATURATED. AND SO I HAD TO GRAB  
16 SOMETHING ELSE. I DIDN'T HAVE ANY MORE TOILET PAPER, SO I  
17 WENT INTO THE KITCHEN, PROBABLY FROM HERE TO THE JUDGE,  
18 WHATEVER THAT IS, TEN FEET OR --

19 THE COURT: ABOUT TEN FEET.

20 THE WITNESS: AND THERE WAS A CABINET THERE, AND I  
21 OPENED IT UP AND, THERE WAS SOME PAPER TOWELS THERE, AND I  
22 GRABBED SOME AND BROUGHT THEM OUT AND PUT THEM BACK ON THERE  
23 ONCE AGAIN.

24 Q (BY MR. KURTZMAN) AND WHAT HAPPENED AFTER YOU  
25 APPLIED SOME MORE DIRECT PRESSURE TO MR. DAVIS?

26 A ABOUT -- PROBABLY AFTER ABOUT, I'LL SAY BETWEEN FIVE  
27 AND TEN MINUTES SINCE THE INCIDENT HAPPENED, ABOUT FIVE TO  
28 TEN MINUTES LATER THERE WAS A KNOCK ON THE DOOR.



1 A NO.

2 Q WERE YOU ABLE TO HEAR WHAT WAS GOING ON IN THE FRONT  
3 ROOM WHILE YOU WERE IN YOUR ROOM?

4 A NOT -- NOT REALLY, NO. THE DOOR WAS CLOSED.

5 Q SO YOU CLOSED THE DOOR BEHIND YOU WHEN YOU WENT INTO  
6 YOUR ROOM?

7 A YES.

8 Q AND YOU WERE IN THERE FOR ABOUT TEN MINUTES AND THEN  
9 WHAT HAPPENED?

10 A AND THEN -- AND THEN I WENT TO -- OKAY, AND THEN WHAT  
11 HAPPENED. I JUST WENT TO STEP OUTSIDE AND GO BACK INTO THE  
12 LIVING ROOM.

13 Q AND WHAT HAPPENED WHEN YOU TRIED TO GO BACK INTO THE  
14 LIVING ROOM?

15 A I OPENED THE DOOR AND THE DOOR OPENED ABOUT -- I  
16 OPENED THE DOOR AND BUMPED INTO SOMETHING AFTER ABOUT LIKE  
17 SIX INCHES OR EIGHT INCHES OF OPENING UP.

18 Q AND WHAT HAPPENED NEXT?

19 A I MADE A COMMENT, KIND OF A RUDE COMMENT. I DIDN'T  
20 UNDERSTAND WHY THE DOOR ONLY OPENED UP SIX INCHES AND BUMPED  
21 INTO SOMETHING, BECAUSE IT SHOULDN'T HAVE. I MADE -- I  
22 DON'T KNOW IF YOU WANT ME TO SAY THE COMMENT. I SAID, "WHAT  
23 THE," EXPLETIVE, AND I CLOSED THE DOOR.

24 AND A FEW SECONDS LATER I TRIED TO OPEN THE DOOR  
25 AGAIN, AND IT SLAMMED INTO SOMETHING AGAIN, AND I DIDN'T  
26 KNOW THAT THE SOMETHING IT WAS SLAMMING INTO WAS AN OFFICER,  
27 SUNNYVALE POLICE OFFICER'S FOOT, APPARENTLY. AND HE SAID,  
28 "STEP AWAY FROM THE DOOR, SUNNYVALE POLICE." AND "OPEN THE

1 "OUT." I DON'T KNOW IF I CAN -- CAN I SAY "PASSED OUT"?  
2 THAT'S THE IMPRESSION I HAD, IS THAT HE HAD FALLEN DOWN AND  
3 PASSED OUT.

4 Q AND WHEN YOU WENT BACK THERE, THE VANITY WAS OUT OF  
5 PLACE?

6 A YES.

7 Q THE TOP OF IT?

8 A YES, IT WAS.

9 Q DO YOU KNOW OF ANY OTHER EXPLANATION FOR HOW THAT TOP  
10 OF THE VANITY COULD HAVE BEEN MOVED OTHER THAN STEVE DAVIS  
11 (SIC) FALLING INTO IT?

12 A NO.

13 Q I'M SORRY, CRAIG DAVIS.

14 A CRAIG DAVIS.

15 THE COURT: APPROACH THE BENCH, PLEASE.

16 (DISCUSSION OFF THE RECORD.)

17 THE COURT: LADIES AND GENTLEMEN, IT'S 4:30.

18 WE'RE GOING TO TAKE OUR RECESS THIS EVENING. I ASKED THE  
19 ATTORNEYS TO APPROACH SO THAT WE CAN GIVE YOU SOME IDEA OF  
20 WHAT'S IN STORE TOMORROW FOR YOU.

21 WE'RE GOING TO CONTINUE TESTIMONY OF THE WITNESS. THE  
22 ATTORNEYS BELIEVE THAT THE TESTIMONY WILL GO THE BETTER PART  
23 OF THE MORNING. THE LIKELIHOOD IS THE TESTIMONY OF  
24 MR. HANCOCK WILL FINISH TOMORROW MORNING, BUT THEY DON'T  
25 MAKE ANY GUARANTEES, AND NEITHER DO I, BUT THEY TELL ME THE  
26 LIKELIHOOD IS WE'LL FINISH BY NOONTIME WITH HIS TESTIMONY,  
27 WHICH MEANS THEN THAT THERE IS A LIKELIHOOD THAT -- LET ME  
28 TELL YOU PART TWO OF THE STORY.

1 HE WAS MOVING REAL SLOWLY.

2 Q OKAY. YOU HAVE A PRIOR CONVICTION FOR ROBBERY;  
3 CORRECT?

4 A YES.

5 Q THAT'S FROM ABOUT 1985?

6 A YES.

7 Q NOW, WHEN YOU WERE TALKING TO OFFICER -- OR DETECTIVE  
8 ANDERSON AT THE JAIL, HOW LONG -- WHAT WAS YOUR STATE AT  
9 THAT POINT? HOW WERE YOU FEELING?

10 A I -- WELL, I MEAN -- UM, I -- I DON'T KNOW HOW TO  
11 ANSWER THAT. I -- I WOULD SAY THAT I WAS A LITTLE BIT  
12 GROGGY. THAT WAS PROBABLY HOW I WAS FEELING, A LITTLE BIT  
13 GROGGY.

14 Q HAD YOU NOT BEEN SLEEPING WELL? WHY WERE YOU A LITTLE  
15 BIT GROGGY?

16 A YEAH, THE COMBINATION OF -- WELL, IT'S A COMBINATION  
17 OF NOT SLEEPING THAT WELL AND I JUST GOT OUT OF THE  
18 HOSPITAL.

19 Q WHY HAD YOU BEEN IN THE HOSPITAL?

20 A I HAD A GRAND MAL SEIZURE AND -- I HAD A GRAND MAL  
21 SEIZURE.

22 Q AND WERE YOU TAKING ANY MEDICATIONS AT THE TIME THAT  
23 YOU TALKED TO OFFICER ANDERSON -- DETECTIVE ANDERSON?

24 A YES, I WAS.

25 Q AND DID THOSE MEDICATIONS HAVE ANY EFFECT ON YOUR  
26 ABILITY TO UNDERSTAND WHAT WAS GOING ON?

27 A THEY DO A LITTLE BIT. THEY -- APPEARED -- YES, YES,  
28 THEY DO.

1 Q DO YOU REMEMBER WHAT MEDICATIONS THOSE WERE?

2 A YES, I DO. IT WAS LIBRIUM.

3 Q IS THAT THE ONLY THING THAT YOU WERE TAKING AT THE  
4 TIME?

5 A I BELIEVE THAT WAS THE ONLY THING THAT THEY WERE  
6 GIVING ME, THE NURSE HAD GIVEN ME AT THE TIME.

7 Q NOW, YOU HAD A CHANCE TO LISTEN TO THE TAPE YESTERDAY;  
8 CORRECT?

9 A YES, I DID.

10 Q AND IN GOING OVER THE TAPE, LISTENING TO THE TAPE NOW,  
11 WERE THERE A COUPLE OF AREAS WHERE YOU REMEMBER THINGS  
12 DIFFERENTLY NOW THAN YOU TOLD DETECTIVE ANDERSON?

13 A OKAY, I'M NOT SURE -- I'M NOT SURE HOW YOU MEAN THAT.

14 Q WAS THE TAPE COMPLETELY ACCURATE IN HOW YOU DESCRIBED  
15 THINGS?

16 A THE TAPE -- WELL, I REALLY DON'T KNOW WHAT YOU'RE  
17 ASKING. ARE YOU ASKING COMPARED TO THE MANUSCRIPT OR --

18 Q DO YOU AGREE WITH EVERYTHING SAID IN THE TAPE AS BEING  
19 COMPLETELY TRUE?

20 A NO.

21 Q SO THERE ARE PLACES WHERE YOU REMEMBER THINGS TODAY  
22 DIFFERENTLY THAN HOW THEY WERE DESCRIBED ON THE TAPE; RIGHT?

23 A THERE ARE -- THERE ARE A FEW.

24 Q WHAT ARE THE PLACES WHERE YOU REMEMBER THINGS  
25 DIFFERENTLY TODAY THAN HOW THEY'RE DESCRIBED ON THE TAPE?

26 A WELL --

27 Q DO YOU REMEMBER?

28 A YEAH, I DO REMEMBER SOME OF THEM. I NOTED A BUNCH OF

1       THEM OVER THERE ON THE TRANSCRIPT.  OKAY, LET ME SEE.

2       THERE'S A PART ON THERE THAT'S TALKING ABOUT ME DRAGGING  
3       HIM, DRAGGING MR. DAVIS.

4       Q       CORRECT.

5       A       I NEVER DRAGGED MR. DAVIS ANYWHERE.  THERE'S A PART ON  
6       THERE ABOUT ME KICKING MR. DAVIS.  I NEVER KICKED MR. DAVIS.  
7       THERE'S A PART THAT HE -- I DON'T MENTION BUT HE MENTIONS --

8       Q       THE ONLY THINGS THAT REALLY MATTER ARE WHAT YOU SAID,  
9       BECAUSE THE OFFICER'S STATEMENTS ARE THE OFFICER'S  
10      STATEMENTS.  IT'S THE THINGS THAT YOU SAID -- THAT YOU SAID  
11      ON THE TAPE THAT YOU DISAGREE WITH.

12     A       OKAY.  THERE'S ANOTHER PART IN THERE ABOUT -- ABOUT --  
13     ABOUT THE STABBING THAT'S -- IT'S -- THE WAY IT'S SAID ON  
14     THERE IS -- IS SIMILAR TO HOW IT HAPPENED BUT IS NOT EXACTLY  
15     -- IT'S OFF A LITTLE BIT.

16     Q       AND THERE'S ONLY ABOUT TWO LINES ABOUT THE STABBING.  
17     IS THAT REALLY TOO BRIEF A SUMMARY TO UNDERSTAND WHAT  
18     HAPPENED?  IS IT SOMETHING WHERE IT'S A PARTIAL TRUTH?

19     A       I NEED TO LOOK IT AT, IF I CAN.  I REMEMBER IT WAS OFF  
20     A LITTLE BIT.

21             MR. KURTZMAN:  IF I MAY APPROACH, YOUR HONOR, HE  
22     MAY BE ABLE TO FIND IT MORE QUICKLY THAN I CAN.

23             THE COURT:  THAT'S FINE.

24     Q       (BY MR. KURTZMAN)  DON'T SAY ANYTHING, JUST LOOK TO  
25     THE PART YOU'RE THINKING ABOUT.

26             MR. HANCOCK, WERE YOU ABLE TO FIND THE PORTION THAT  
27     YOU WERE TALKING ABOUT?

28     A       YES, ONE OF THEM I DID.

1 Q IS THAT PORTION PAGE 31 OF THE TRANSCRIPT?

2 A YES.

3 Q AND IS IT TOWARDS THE BOTTOM OF THE TRANSCRIPT ON THAT  
4 PAGE?

5 A YES.

6 Q AND IN THAT PORTION OF THE TRANSCRIPT OR THE TAPE IS  
7 THAT WHERE DETECTIVE ANDERSON ASKED YOU IF YOU STABBED  
8 MR. DAVIS ONE TIME?

9 A YES.

10 Q AND YOU ACKNOWLEDGE THAT YOU STABBED HIM ONE TIME?

11 A YES.

12 Q WHAT'S INACCURATE ABOUT THAT?

13 A THE WAY THAT HE'S DESCRIBED -- THE WAY THAT HE  
14 DESCRIBES IT HAPPENING.

15 Q HOW IS IT INACCURATE?

16 A WELL, THE TWO -- OKAY. HE'S SAYING THAT WHILE I'M  
17 TRYING TO GET MR. DAVIS OUT OF THE APARTMENT, I SEE THAT  
18 HE'S RESISTING AND SO I GRABBED A KNIFE AND I STAB HIM. AND  
19 THAT'S NOT WHAT HAPPENED. IT'S INCORRECT.

20 Q AND WHAT IS INCORRECT ABOUT THAT STATEMENT?

21 A EVERYTHING -- EVERYTHING UP TO THE POINT TO WHERE I  
22 GRAB THE KNIFE AND STAB HIM. EVEN THAT PART.

23 Q WHAT HAPPENED?

24 A WHAT HAPPENED WAS I WAS TRYING TO GET MR. DAVIS OUT OF  
25 THE APARTMENT AND MR. DAVIS TURNED -- HE HAD HAD HIS BACK TO  
26 ME, AND HE TURNED AND HIT ME WITH SOMETHING, AND WHEN HE  
27 DID, I LOST MY -- I WAS STUNNED AND I FELL BACK. IT WAS  
28 ONLY ABOUT A FOOT, AND THE SINK WAS THERE, AND I PUT MY LEFT

1 SEIZURES? AND, INCIDENTALLY, YOUR ANSWER, "ABOUT TEN OF  
2 THEM," DOES THAT MEAN YOU'VE HAD TEN GRAND MAL SEIZURES AS  
3 OPPOSED TO PETIT MAL SEIZURES?

4 A I'VE HAD TEN GRAND MAL SEIZURES. I'M GIVING YOU A  
5 BALLPARK SEIZURES. I MAY HAVE HAD A FEW MORE -- I'VE BEEN  
6 HOSPITALIZED APPROXIMATELY SEVEN, EIGHT TIMES.

7 Q SO WHAT HAPPENS TO YOU AFTER YOU HAVE ONE OF THESE  
8 SEIZURES?

9 A GENERALLY YOU GO UNCONSCIOUS. YOUR BODY SHAKES.

10 Q LET ME INTERRUPT YOU, BECAUSE I DON'T THINK YOU'RE  
11 ANSWERING THE QUESTION I'M ASKING. SO YOU KNOW WHERE I'M  
12 HEADED, YOU WANT US TO BELIEVE THAT WHAT YOU'RE SAYING ON  
13 THE TRANSCRIPT OF THE TAPE ISN'T TOTALLY ACCURATE BECAUSE  
14 YOU WERE A BIT OUT OF IT; RIGHT?

15 A YEAH.

16 Q SO WITH AN EYE TOWARD THAT, I'M WONDERING WHAT HAPPENS  
17 TO YOU PHYSICALLY THAT YOU WOULDN'T BE ACCURATE WITH OFFICER  
18 ANDERSON.

19 A WELL, YOU LOSE CONSCIOUSNESS. AND WHEN YOU LOSE  
20 CONSCIOUSNESS, YOU SHAKE VIOLENTLY, AND IF YOU'RE STANDING  
21 UP, YOU FALL DOWN. IF -- IN MY CASE I WAS LAYING ON A BUNK.  
22 I FELL OFF ONTO THE CEMENT.

23 Q LET ME INTERRUPT YOU. THAT'S WHEN YOU'RE HAVING THE  
24 SEIZURE?

25 A RIGHT.

26 Q BUT THIS INTERVIEW TOOK PLACE A FEW DAYS AFTER THAT?

27 A THAT'S RIGHT.

28 Q SO I'M WONDERING WHAT EFFECT THAT SEIZURE HAD ON YOU

1       PHYSICALLY A FEW DAYS AFTER, AT THE TIME OF THE INTERVIEW  
2       WITH OFFICER ANDERSON.

3       A       WELL, YOU'RE -- WHEN YOU HAVE -- OKAY, WHAT EFFECT. I  
4       WOULD SAY THAT MENTALLY I WASN'T PROBABLY A HUNDRED PERCENT,  
5       AND PHYSICALLY I WASN'T A HUNDRED PERCENT. MY WALKING, MY  
6       EQUILIBRIUM WAS OFF. IT WAS ABOUT A WEEK BEFORE I COULD  
7       WALK COMFORTABLY AGAIN.

8       Q       YOU DON'T NEED TO BE ABLE TO WALK STRAIGHT TO TELL THE  
9       TRUTH, DO YOU?

10      A       WELL, OKAY. I -- I -- I -- I GUESS YOU DON'T HAVE TO  
11      BE ABLE TO WALK STRAIGHT TO TELL THE TRUTH. I'M -- YOU  
12      KNOW, I GUESS -- I MEAN --.

13      Q       YOU KNEW WHAT WAS GOING ON ENOUGH TO MAKE THE DECISION  
14      THAT YOU WERE JUST GOING TO PAY LIP SERVICE TO THIS OFFICER.

15      A       DO YOU WANT ME TO ANSWER THAT?

16      Q       PLEASE. IN FACT, ANY QUESTION I ASK YOU, PLEASE  
17      ANSWER IT.

18      A       IF YOU LOOK AT THAT TRANSCRIPT, WHATEVER IT IS, FORTY  
19      SOME ODD PAGES, YOU CAN SEE THAT A LARGE MAJORITY OF THE  
20      TIME IS THIS OFFICER SAYING THINGS, AND HE'S SAYING THINGS  
21      LIKE HE KNOWS THAT I DID THIS AND I DID THAT, AND I'M JUST  
22      LISTENING TO HIM, WAITING FOR HIM TO STOP TALKING SO I CAN  
23      SAY YEAH, UH-HUH, OR NO, OR SHAKE MY HEAD, OR WHATEVER SO  
24      THAT HE'LL GO ON.

25      Q       WERE YOU PAYING LIP SERVICE?

26      A       A LARGE -- WELL, NOT ALL THE TIME BUT A PORTION OF THE  
27      TIME I WAS.

28      Q       AND IN ORDER TO PAY LIP SERVICE YOU NEED TO MAKE A



1 AFFECTS YOUR THINKING FOR -- AND I DON'T MEAN YOU DON'T KNOW  
2 WHICH WAY IS UP OR DOWN. IT AFFECTS -- YOU DON'T THINK A  
3 HUNDRED PERCENT FOR A PERIOD OF TIME AFTER YOU'VE HAD THAT  
4 SEIZURE. IT COULD BE SIX HOURS, IT COULD BE THREE OR FOUR  
5 DAYS.

6 AND IN MY CASE, IN THAT PARTICULAR CASE I KNOW I  
7 NOTICED MY WALKING FOR PROBABLY -- I'M GOING TO SAY ABOUT A  
8 WEEK. IT MAY HAVE BEEN FIVE DAYS BUT ABOUT A WEEK AFTER  
9 THAT WAS OFF. IT WAS LIKE I WAS -- IT WAS LIKE -- IT WAS  
10 KIND OF LIKE I WAS DRUNK. BUT I MEAN I HADN'T BEEN  
11 DRINKING, BUT IT WAS LIKE I WAS DRUNK.

12 AND NOT ONLY THAT, A NUMBER OF PEOPLE AROUND ME  
13 COMMENTED ON IT, SAID, "WHAT'S WRONG WITH YOU? WHAT ARE  
14 YOU, STILL DRUNK?" I WASN'T DRUNK, I WAS JUST SO -- SO --  
15 SOMETHING WAS WRONG WITH MY EQUILIBRIUM.

16 Q MR. HANCOCK, ARE ANY OF THE STATEMENTS ON THE TAPE OR  
17 ON THE TRANSCRIPT, ARE ANY OF THOSE ACCURATE?

18 A YES.

19 Q SO YOU WERE ABLE TO PROVIDE ACCURATE RESPONSES TO  
20 OFFICER ANDERSON'S QUESTIONS?

21 A YEAH, I WOULD SAY YEAH, FOR THE MOST -- YEAH.

22 Q SOME OF THE ANSWERS YOU PROVIDED ARE NOT ACCURATE,  
23 YOU'RE TELLING US.

24 A I'LL SAY THAT -- OKAY.

25 Q SIR, I'M NOT TRYING TO TRICK YOU. I DON'T WANT YOU TO  
26 BE UP THERE ANY LONGER THAN NECESSARY. IS IT FAIR TO SAY  
27 THAT SOME OF THE STATEMENTS ON THE TAPE THAT YOU MADE ARE  
28 NOT ACCURATE?

1 A YES.

2 Q AND THAT'S BECAUSE OF THE SEIZURE AND THIS MEDICATION?

3 A THAT -- I WOULD THINK -- IT'S IN PART. SOME OF THE  
4 STATEMENTS THEY SHOW ON THERE ARE HALF A STATEMENT, AND YOU  
5 CAN'T SEE WHAT THE BEGINNING OF IT IS, OR THE END OF IT IS.  
6 YOU CAN'T EVEN SEE WHAT THE FULL QUESTION IS THAT'S BEING  
7 ASKED. SO IT'S LIKE, I MEAN --

8 Q YOU KNOW WHAT, LET'S BE HONEST. ALL WE'RE REALLY  
9 TALKING ABOUT IS WHY YOU STABBED HIM. YOU'VE ALREADY TOLD  
10 US YOU STABBED HIM, AND THIS WHOLE THING IS ABOUT WHY YOU  
11 STABBED HIM. AND NOW YOU'RE TELLING US ABOUT THIS FRYING  
12 PAN. DID YOU NOT THINK TO TELL OFFICER ANDERSON ABOUT THE  
13 FRYING PAN?

14 A OKAY, I'LL ANSWER THAT. AT THE TIME WHEN OFFICER  
15 ANDERSON WAS ASKING ME ABOUT THAT, I WAS UNDER THE  
16 IMPRESSION THAT HE WAS THERE TO WRAP THINGS UP, THAT THIS  
17 WAS GOING TO BE OKAY, THIS GUY IS GOING TO COME HERE,  
18 INTERVIEW ME, WE'RE GOING TO TAKE CARE OF THIS, AND THIS IS  
19 GOING TO BE OVER WITH, AND MAYBE I'M GOING TO DO A LITTLE  
20 BIT OF TIME ON THE FARM.

21 SO WHEN HE ASKED ABOUT THE ALTERCATION, I DID NOT WANT  
22 TO SAY -- I HAD THE WHEREWITHAL TO KNOW I DIDN'T WANT TO  
23 INVOLVE CRAIG DAVIS. I DIDN'T WANT CRAIG DAVIS TO GET IN  
24 TROUBLE. HE WAS MY FRIEND. SO WHY SHOULD I, YOU KNOW -- IF  
25 I TELL HIM THAT HE HIT ME WITH SOMETHING, THEN WHAT, IS HE  
26 GOING TO GO GET CHARGED WITH AN OFFENSE?

27 Q YOU'RE SITTING IN JAIL.

28 A I UNDERSTAND.

1 Q AND YOU KNOW THAT YOU'RE BEING CHARGED WITH ASSAULT  
2 WITH A DEADLY WEAPON.

3 A OKAY.

4 Q RIGHT?

5 A AT THE TIME I DIDN'T KNOW.

6 Q RIGHT?

7 A NOW I AM, YEAH. NOW I KNOW.

8 Q OFFICER ANDERSON DIDN'T TELL YOU WHY HE WAS THERE?

9 A YES, HE DID.

10 Q SO YOU KNEW --

11 A NOT AT THE BEGINNING.

12 Q WHEN'S THE FIRST TIME YOU BECAME AWARE THAT YOU WERE  
13 BEING CHARGED WITH ASSAULT WITH A DEADLY WEAPON?

14 A PROBABLY ABOUT -- I DON'T KNOW, I'M GOING TO GUESS  
15 MAYBE HALFWAY THROUGH THE INTERVIEW.

16 Q YOU GOT ARRESTED ON THE 7TH OR 8TH?

17 A RIGHT.

18 Q AND THE INTERVIEW WAS ON THE 12TH?

19 A RIGHT.

20 Q OKAY. 8TH, LET'S SAY THE 8TH, GIVE YOU THE BENEFIT OF  
21 THE DOUBT. 9TH, 10TH, 11TH, 12TH. IN FIVE DAYS YOU NEVER  
22 ASKED ANYBODY, AND NOBODY EVER TOLD YOU WHY YOU WERE IN  
23 JAIL?

24 A OKAY. NO, I KNEW THAT. I KNEW WHEN I WAS ARRESTED, I  
25 KNEW THE NEXT DAY THAT I'D BEEN CHARGED WITH ASSAULT WITH A  
26 DEADLY WEAPON.

27 Q OKAY, LET'S TAKE IT FROM THERE. SO YOU'RE FACING  
28 ASSAULT WITH A DEADLY WEAPON CHARGE.

1 A RIGHT.

2 Q BUT YOUR LOYALTY TO CRAIG DAVIS OVERRIDES PROTECTING  
3 YOURSELF AS YOU FACE THIS CHARGE; IS THAT WHAT YOU'RE  
4 TELLING US?

5 A I'M SAYING THAT I THOUGHT AT THE TIME OF THE  
6 INTERVIEW, I THOUGHT THAT MY CHARGE WAS GOING TO BE REDUCED,  
7 THAT IT WAS GOING TO BE LESS THAN ASSAULT WITH A DEADLY  
8 WEAPON.

9 AND I THOUGHT WHY SHOULD I INVOLVE MR. DAVIS, AND I'M  
10 -- IF MY DISCHARGE IS GOING TO BE REDUCED AND I'LL DO 30 OR  
11 60 DAYS, AND WHY SHOULD I GET HIM IN TROUBLE AND MAKE HIM GO  
12 DO 30 AND 60 DAYS WITH ME?

13 I THOUGHT THAT WAS WHAT OFFICER ANDERSON WAS THERE  
14 FOR, TO WRAP THINGS UP, THAT I WAS GOING TO BE CHARGED WITH  
15 A BATTERY. IN MY EYES THAT WAS OKAY, I'M JUST GOING TO GO  
16 DO 30 DAYS OR 60 DAYS OR SIX MONTHS COUNTY JAIL TIME AT THE  
17 FARM. THAT'S WHAT I THOUGHT.

18 Q WHY DID YOU THINK THAT?

19 A WELL, HE MENTIONED THE WORD "BATTERY" TO ME. BUT I  
20 MEAN -- AND I THOUGHT HE MENTIONED "WRAP THINGS UP" TO ME,  
21 BUT AS I READ THAT, I DIDN'T SEE -- I DON'T THINK I SAW THE  
22 EXACT WORDS "WRAP THINGS UP." I THOUGHT AS I -- THINKING  
23 BACK ON IT, I THOUGHT HE DID SAY THAT TO ME.

24 Q HOW MANY TIMES HAVE YOU LISTENED TO THE TAPE?

25 A I'VE LISTENED TO -- I'VE LISTENED TO THE TAPE AT THAT  
26 SPEED -- THAT'S THE SECOND -- YESTERDAY WAS THE SECOND TIME  
27 I'VE HEARD IT, OKAY, IN NINE AND A HALF MONTHS.

28 Q HOW MANY TIMES HAVE YOU LISTENED TO IT AT DIFFERENT

1 TIME." REALLY SHORT POLICE REPORT AND REALLY DIFFICULT TO  
2 CONVICT ANYONE IF THAT'S HOW IT WORKS. I DON'T THINK ANYONE  
3 IS OFFENDED BY THAT TECHNIQUE.

4 HE TRIES TO GET THE DEFENDANT'S CONFIDENCE TO FIND OUT  
5 WHAT HAPPENED THAT NIGHT. AND THE DEFENDANT, I THINK, WAS  
6 FORTHCOMING. OF COURSE, WHEN I ASKED HIM ABOUT IT ON  
7 CROSS-EXAMINATION, THOSE PARTS OF THE TAPE THAT HURT HIM  
8 AREN'T REALLY ACCURATE. BECAUSE HE HAD HAD A GRAND MAL  
9 SEIZURE THAT WE DON'T HAVE ANY EVIDENCE OF.

10 AND AGAIN, I'M NOT SHIFTING THE BURDEN. THE BURDEN IS  
11 ON ME COMPLETELY. THE DEFENSE DOESN'T HAVE TO OFFER  
12 ANYTHING, BUT IF YOU'RE GOING TO GET ON THE STAND AND SAY  
13 YOU HAD A SEIZURE AND THAT'S WHY PARTS OF THE TAPE ARE NOT  
14 ACCURATE, OKAY, DID YOU HAVE A SEIZURE? ARE YOU ON  
15 MEDICATION? AND IF YOU HAD A SEIZURE AND YOU WERE ON  
16 MEDICATION AND YOU ARE KIND OF GROGGY, HOW IS IT THAT THE  
17 PARTS THAT HELP YOU ARE ACCURATE? IT DOESN'T WORK LIKE  
18 THAT. DON'T BUY THAT.

19 THE DEFENDANT'S CREDIBILITY. THE JUDGE READ YOU  
20 INSTRUCTION 2.20, AND IT TALKS ABOUT FACTORS THAT YOU CAN  
21 CONSIDER WHEN ASSESSING SOMEONE'S TESTIMONY. THE CHARACTER  
22 AND QUALITY OF THAT TESTIMONY IS A FACTOR. THE DEMEANOR AND  
23 MANNER OF THE WITNESS WHILE TESTIFYING.

24 REMEMBER HOW UNCOMFORTABLE IT WAS AT SOME POINTS WHEN  
25 I WAS CROSS-EXAMINING THE DEFENDANT? IT WAS FRUSTRATING.  
26 BACK AND FORTH AND BACK AND FORTH, AND SIMPLE QUESTIONS  
27 COULDN'T JUST BE ANSWERED. WE HAD TO GO AROUND AND AROUND.

28 AND THAT CROSS-EXAMINATION ENDED UP TAKING MUCH LONGER

1 APPROPRIATELY.

2 AS FOR THIS LESSER INCLUDED OFFENSE OF MISDEMEANOR  
3 ASSAULT, THE LAW REQUIRES THAT THAT INSTRUCTION BE GIVEN. I  
4 DIDN'T CHARGE IT THAT WAY. THE LAW REQUIRES THAT THAT  
5 INSTRUCTION BE GIVEN.

6 IF YOU FIND AN ASSAULT IN THIS CASE AND YOU BELIEVE  
7 THAT THE DEFENDANT USED A KNIFE, YOU HAVE TO FIND ASSAULT  
8 WITH A DEADLY WEAPON. IT'S LOGICALLY INCONSISTENT TO SAY,  
9 WELL, THERE WAS AN ASSAULT, BUT I DON'T THINK IT WAS WITH A  
10 DEADLY WEAPON, UNLESS SOMEONE ON THE JURY THINKS A KNIFE IS  
11 NOT A DEADLY WEAPON, BUT I DON'T THINK ANYONE WOULD THINK  
12 THAT.

13 WHEN MR. KURTZMAN WAS TALKING ABOUT THE BELIEVABILITY  
14 OF MR. DAVIS VERSUS MR. HANCOCK AND THEN KIND OF LUMPED THEM  
15 BOTH TOGETHER AND SAID THEY'RE DRUNKS, THEY WERE DRUNK, AND  
16 SHOULD WE BELIEVE MR. DAVIS, SHOULD WE BELIEVE MR. HANCOCK,  
17 AND HE SAID "NONE OF THE ABOVE." THE DEFENSE IS ACTUALLY  
18 URGING YOU TO BELIEVE NEITHER.

19 WELL, LET'S THINK ABOUT THAT. IF YOU DON'T BELIEVE  
20 THE DEFENDANT, IF YOU THROW OUT THE DEFENDANT'S TESTIMONY,  
21 THEN YOU HAVE ZERO EVIDENCE OF SELF-DEFENSE. NONE. YOU  
22 COULD GO BACK THERE AND ALL VOTE GUILTY RIGHT AWAY, BECAUSE  
23 THERE IS SIMPLY NO EVIDENCE OF SELF-DEFENSE BEFORE YOU. IT  
24 IS NOT YOUR JOB TO CREATE A DEFENSE.

25 YOU TOOK AN OATH TO APPLY THE EVIDENCE, THE FACTS YOU  
26 HEARD FROM THE WITNESS STAND, OF THE EXHIBITS, TO THE LAW.  
27 I SUBMIT TO YOU THAT THE DEFENDANT WAS LYING. I USED THE  
28 WORD "LIE" A FEW TIMES, BECAUSE HE LIED. AND THAT

1 MR. DAVIS'S VERSION IS ACCURATE.

2 BUT LET'S JUST FOR A SECOND DO WHAT THE DEFENSE WANTS  
3 US TO DO. LET'S THROW OUT BOTH VERSIONS. WELL, THEN WE'RE  
4 LEFT WITH WHAT? WE'RE LEFT WITH SOMETHING THAT DOESN'T GET  
5 DRUNK, WE'RE LEFT WITH SOMETHING THAT DOESN'T LIE. WE'RE  
6 LEFT WITH PHYSICAL EVIDENCE.

7 YOU'LL HAVE ALL THE PICTURES. THERE'S BLOOD ALL OVER  
8 THE OUTSIDE OF THE APARTMENT. THERE'S A BLOODY KNIFE  
9 OUTSIDE OF THE APARTMENT. THERE'S A STAB WOUND IN  
10 MR. DAVIS'S BACK. THERE'S A BLOODY SHIRT WITH A STAB WOUND  
11 -- I SHOULDN'T SAY STAB WOUND -- THERE'S A HOLE IN THE SHIRT  
12 THAT MATCHES UP WITH THE STAB WOUND ON MR. DAVIS'S BACK.  
13 THERE IS THAT SAME SHIRT, WITH BLOOD ALL OVER IT, WITH A  
14 FOOTPRINT THAT MATCHES THE DEFENDANT'S SHOES.

15 I INVITE YOU WHEN YOU GO BACK THERE, LOOK AT THE  
16 SHIRT, HOLD UP THE PICTURES OF THE BOTTOM OF THE DEFENDANT'S  
17 SHOES AND TELL ME IF THAT DOESN'T MATCH.

18 NOW, THE DEFENDANT SAYS, OH, I SLAPPED HIM AROUND A  
19 FEW TIMES. WELL, NO, YOU DIDN'T. YOU STOMPED ON HIM. A  
20 COUPLE OF TIMES. AND WHEN HE WAS ASKED, "HOW DID THE BLOOD  
21 GET ON THE POST OUTSIDE OF YOUR APARTMENT?" "I DON'T KNOW."  
22 OH, OKAY. "I DON'T KNOW."

23 IF YOU BUY THE DEFENSE ARGUMENT, NO ONE CAN EVER BE  
24 CONVICTED IF THEY'RE DRINKING. ALL YOU GOT TO DO IS DRINK  
25 AND COMMIT A CRIME AGAINST SOMEBODY WHO'S HAD A DRINK, AND  
26 NOBODY CAN HAVE ANY IDEA WHAT HAPPENED. HOW CAN WE POSSIBLY  
27 KNOW? THEY WERE DRUNK. WELL, THE LAW ANTICIPATES THIS.  
28 THAT'S WHY YOU GET THE INSTRUCTION VOLUNTARY INTOXICATION IS

1 SUNNYVALE, CALIFORNIA  
2 DEPARTMENT 81

SEPTEMBER 3, 2004  
8:30 A.M.

3 P R O C E E D I N G S:

4 MR. SCHROEDER: MATTER 11 ON THE 8:30 CALENDAR,  
5 HANCOCK.

6 THE COURT: PEOPLE VERSUS JEFF JAY HANCOCK.

7 MR. DEMERTZIS: JIM DEMERTZIS FOR THE PEOPLE, YOUR  
8 HONOR.

9 MR. SCHROEDER: COULD WE APPROACH ON THAT MATTER,  
10 YOUR HONOR?

11 (DISCUSSION OFF THE RECORD.)

12 THE COURT: MATTER OF PEOPLE VERSUS JEFF JAY  
13 HANCOCK FOR SENTENCING. APPEARANCES.

14 MR. SCHROEDER: WESLEY SCHROEDER FOR MR. HANCOCK.

15 MR. DEMERTZIS: JIM DEMERTZIS FOR THE PEOPLE.

16 THE COURT: IS FORMAL ARRAIGNMENT FOR JUDGMENT  
17 WAIVED?

18 MR. SCHROEDER: YES.

19 THE COURT: IS THERE ANY LEGAL CAUSE WHY SENTENCE  
20 SHOULD NOT BE PRONOUNCED?

21 MR. SCHROEDER: NONE.

22 THE COURT: THERE IS A MOTION ON FILE TO STRIKE  
23 THE PRIOR STRIKE CONVICTION, BROUGHT BY MR. KURTZMAN,  
24 BRIEFED BY THE PEOPLE. DO YOU WISH TO PURSUE THAT MATTER OR  
25 HAVE IT WITHDRAWN AND TAKEN OFF CALENDAR?

26 MR. SCHROEDER: WITHDRAWN AND TAKEN OFF CALENDAR,  
27 YOUR HONOR.

28 THE COURT: THE REPORT HAS A RECOMMENDATION HERE



1 AS FAR AS THE SENTENCING IN THIS CASE. I'M INCLINED TO  
2 FOLLOW IT, BUT IF COUNSEL WISH TO BE HEARD, I'LL ALLOW THAT.

3 MR. DEMERTZIS: SUBMITTED YOUR HONOR.

4 MR. SCHROEDER: SUBMITTED, YOUR HONOR. I'VE HAD  
5 EXTENSIVE DISCUSSIONS WITH MY CLIENT ABOUT THIS ACTION, AND  
6 WE'VE DETERMINED IT'S IN HIS BEST INTEREST TO PROCEED AS WE  
7 ARE THIS MORNING.

8 THE COURT: THE COURT UNDERSTANDS THIS.

9 MR. SCHROEDER: THANK YOU.

10 THE COURT: THE MATTER COMES BEFORE THE COURT ON A  
11 GUILTY VERDICT BY JURY, AND THERE WERE ADMISSIONS OF THE  
12 PRIORS.

13 THE COURT BELIEVES THAT PROBATION IN THIS CASE SHOULD  
14 BE DENIED IN VIEW OF THE SERIOUSNESS OF THE OFFENSE. THE  
15 COURT ALSO NOTES THAT PROBATION WOULD BE INELIGIBLE PURSUANT  
16 TO 667(C)(2) OF THE PENAL CODE, BUT REGARDLESS OF ANY  
17 STATUTORY PRECLUSION THE SERIOUSNESS OF THIS OFFENSE WOULD  
18 WARRANT A DENIAL OF PROBATION NEVERTHELESS.

19 AS FAR AS THE PRISON TERM IN THIS CASE THE COURT WILL  
20 SELECT THE MIDDLE TERM IN STATE PRISON OF SIX YEARS. THE  
21 COURT ENHANCES TERM -- AND SIX YEARS, THE COURT SHOULD NOTE,  
22 WOULD BE TWICE THE ORDINARY MIDDLE TERM. AND THIS IS FOR  
23 THE CLERK'S BENEFIT TODAY, WHO IS NOT NORMALLY WITH THE  
24 COURT AND WAS NOT SITTING ON THE TRIAL, THIS WOULD BE TWICE  
25 THE BASE BECAUSE OF THE STRIKE. THE COURT ENHANCES SAID  
26 TERM BY FIVE YEARS FOR THE 667(A) PENAL CODE ALLEGATION.

27 THERE WAS A 12022.7(A) PENAL CODE FINDING THAT WAS  
28 MADE BY THE JURY; HOWEVER, THE COURT WILL SHARE THE -- THE

1 COURT WILL FOLLOW THE RECOMMENDATION OF THE PROBATION  
2 OFFICER AND STRIKE THAT ADDITIONAL PUNISHMENT PURSUANT TO  
3 1385 OF THE PENAL CODE, THERE BEING NO OBJECTION BY THE  
4 PEOPLE AS TO THAT ORDER.

5 SO THAT LEAVES THE TOTAL TERM AT ELEVEN YEARS, WHICH  
6 WAS THE ONE RECOMMENDED BY PROBATION. MR. HANCOCK, YOU ARE  
7 ADVISED THAT SUBSEQUENT TO YOUR RELEASE FROM PRISON YOU'LL  
8 BE PLACED ON PAROLE FOR THREE YEARS. I WILL ORDER  
9 RESTITUTION TO THE VICTIM TO BE DETERMINED FOR ANY ECONOMIC  
10 LOSSES. DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS  
11 ORDERED TO COLLECT THIS RESTITUTION FROM YOUR EARNINGS IN  
12 PRISON OR WHILE ON PAROLE.

13 YOU SHALL NOT POSSESS FIREARMS PURSUANT TO 12021 OF  
14 THE PENAL CODE. YOU ARE ORDERED TO PROVIDE TWO BLOOD AND  
15 ONE SALIVA SAMPLE PURSUANT TO 296 OF THE PENAL CODE. I WILL  
16 ORDER A COURT SECURITY FEE OF \$20 PURSUANT TO 1465.8 OF THE  
17 PENAL CODE.

18 I'LL ORDER A RESTITUTION FINE OF \$2200 PURSUANT TO THE  
19 FORMULA PERMITTED BY PENAL CODE SECTION 1202.4(B). I WILL  
20 ORDER AN ADDITIONAL RESTITUTION FINE OF THAT AMOUNT PURSUANT  
21 TO 1202.4 OF THE PENAL CODE AND ORDER IT SUSPENDED PURSUANT  
22 TO 1202.45 OF THE PENAL CODE.

23 I DON'T HAVE THE UPDATED CREDITS. MAYBE COUNSEL CAN  
24 FOLLOW ALONG WITH ME AND WE CAN DO THIS. THE CREDITS WERE  
25 AS OF THE PROBATION REPORT DATE, JULY 1ST, AND WE DON'T HAVE  
26 A PROBATION OFFICER HERE TODAY. SO WE'RE TALKING ABOUT 31  
27 DAYS ACTUAL IN JULY AND THEN ANOTHER 31 DAYS IN AUGUST, AND  
28 THEN TODAY'S THE 3RD, SO MY MATH IS 65 ACTUAL DAYS EXTRA.

CT 6

1 THE COURT: YOUR WITNESS.

2 MR. DEMERTZIS: THANK YOU, YOUR HONOR.

3 DIRECT EXAMINATION

4 Q (BY MR. DEMERTZIS) MR. DAVIS, LET ME BEGIN BY  
5 THANKING YOU FOR COMING TO COURT THIS AFTERNOON. SIR, DO  
6 YOU WANT TO BE HERE?

7 A NO.

8 Q WHY NOT?

9 A I DIDN'T WANT TO TESTIFY. HE'S MY FRIEND. HE MADE A  
10 MISTAKE.

11 Q SO WHY ARE YOU HERE?

12 A 'CAUSE I WAS SUBPOENAED.

13 Q HOW DO YOU KNOW THE PERSON SITTING HERE IN THE GREEN  
14 NEXT TO DEFENSE COUNSEL?

15 A WE'VE BEEN FRIENDS FOR THREE, FOUR YEARS.

16 Q DO YOU KNOW HIS NAME?

17 A JEFF HANCOCK.

18 MR. DEMERTZIS: YOUR HONOR, MAY THE RECORD PLEASE  
19 REFLECT MR. DAVIS HAS IDENTIFIED THE DEFENDANT?

20 THE COURT: IT WILL.

21 Q (BY MR. DEMERTZIS) WERE YOU FRIENDS WITH THE  
22 DEFENDANT IN AUGUST OF THIS YEAR?

23 A YES.

24 Q SPECIFICALLY ON AUGUST 8TH WERE YOU WITH THE  
25 DEFENDANT?

26 A AUGUST 8TH, YES, I BELIEVE SO. WE WERE AT FAIR OAKS  
27 PARK AT A PICNIC.

28 Q WHAT TIME DID YOU ARRIVE AT THIS PICNIC AT THE PARK?

C.T.14

1 Q DID THE DEFENDANT KICK OR PUNCH YOU IN THE FACE AT ALL  
2 WHEN YOU WERE FIGHTING?

3 A I DON'T RECALL.

4 Q ALL RIGHT. TAKE A LOOK AT PEOPLE'S 5. DO YOU  
5 RECOGNIZE WHAT'S IN THAT PICTURE?

6 A LOOKS LIKE A PUNCTURE WOUND.

7 Q LOOKS LIKE A PUNCTURE WOUND?

8 A UH-HUH.

9 Q WHEN YOU AND THE DEFENDANT WERE FIGHTING, DID YOU EVER  
10 FEEL ANY SHARP PAIN ANYWHERE ON YOUR BODY?

11 A YEAH, BUT I THOUGHT I -- I THOUGHT I FELL ON LIKE ONE  
12 OF THE PLANTS OR SOMETHING. I DIDN'T SEE ANY --

13 Q YOU DIDN'T SEE WHAT?

14 A YOU KNOW, ANY WEAPONS OR ANYTHING, YOU KNOW. WHEN I  
15 FELL AND HIT MY HEAD ON THE CONCRETE, THE KIND OF DAZED ME  
16 OUT, SO I DON'T REALLY REMEMBER A WHOLE LOT, YOU KNOW.

17 Q MR. DAVIS, WE GET THE IDEA. YOU DON'T WANT TO BE  
18 HERE; RIGHT?

19 A NO, I DON'T WANT TO BE HERE.

20 Q DO YOU REMEMBER TALKING TO OFFICERS WHEN YOU WERE IN  
21 THE HOSPITAL?

22 A YES. YEAH.

23 Q AND DO YOU REMEMBER TELLING THEM WHAT HAPPENED THAT  
24 NIGHT?

25 A YEAH, I LIED AND TOLD OFFICER KIM THAT I GOT JUMPED IN  
26 THE PARK.

27 Q WHEN YOU TOLD OFFICER KIM THAT SOME -- I THINK YOU  
28 USED THE PHRASE "SOME MEXICAN GUYS" JUMPED YOU; RIGHT?

CT<sup>15</sup>

1 A YEAH. NOTHING AGAINST MEXICANS, BUT THAT'S ALL I  
2 COULD COME UP WITH.

3 Q BUT WHEN YOU TOLD OFFICER KIM THAT, THAT WASN'T THE  
4 TRUTH; RIGHT?

5 A CORRECT.

6 Q THE TRUTH WAS THAT THE DEFENDANT BEAT YOU UP?

7 A YEAH.

8 Q NOW, WHEN THE DEFENDANT WAS BEATING YOU UP, DID YOU  
9 FEEL ANY SHARP PAINS ANYWHERE ON YOUR BODY?

10 A YEAH, MY RIBS HURT.

11 Q DID YOU FEEL A SHARP PAIN LIKE BEING STABBED, OR A  
12 PUNCTURE?

13 A LIKE I SAID BEFORE, I DON'T RECALL. I -- WELL, I TAKE  
14 THAT BACK. I THOUGHT I FELL ON ONE OF THE BUSHES THERE.  
15 YOU KNOW. THAT'S WHAT I THOUGHT.

16 Q DO YOU REMEMBER TALKING TO ME A FEW MINUTES AGO  
17 OUTSIDE THE COURTROOM?

18 A YES.

19 Q DO YOU REMEMBER SHOWING ME YOUR LEFT HAND, THE AREA  
20 BETWEEN YOUR INDEX FINGER AND YOUR THUMB?

21 A YEAH.

22 Q DO YOU HAVE A SCAR THERE?

23 A YEAH.

24 Q WHAT'S THAT SCAR FROM?

25 A BEING STABBED.

26 Q BY WHO?

27 A I GUESS JEFF DID IT.

28 Q BUT YOU GOT STABBED THAT DAY IN AUGUST THAT YOU AND

CT16

1 THE DEFENDANT WERE FIGHTING?

2 A I GUESS SO. THAT'S WHAT THE HOSPITAL PARAMEDICS TOLD  
3 ME. THAT'S ALL I CAN GO WITH. I DON'T REALLY REMEMBER A  
4 WHOLE LOT. I DON'T LIKE DOING THIS A BIT.

5 Q THAT'S UNDERSTANDABLE.

6 A I DON'T WANT TO RAT ON MY FRIEND.

7 Q DO YOU CONSIDER THE DEFENDANT YOUR FRIEND?

8 A YEAH. I TOTALLY FORGIVE HIM. I DON'T HAVE ANY HARD  
9 FEELINGS.

10 Q FORGIVE HIM FOR WHAT?

11 A FOR THAT LITTLE BRAWL WE HAD.

12 Q DID YOU START THAT FIGHT?

13 A NO. MAYBE I DID VERBALLY, BUT I DIDN'T START ANY  
14 PHYSICAL ACTION. I KNOW BETTER THAN THAT. JEFF IS A BIG  
15 MAN.

16 Q DID YOU CHALLENGE THE DEFENDANT TO FIGHT THAT DAY?

17 A NO, HUH-UH. I WOULDN'T DO THAT.

18 Q WHEN THE DEFENDANT WAS KICKING YOU AND PUNCHING YOU,  
19 DID YOU EVER LOSE CONSCIOUSNESS?

20 A LIKE I TOLD YOU BEFORE, I WAS DAZED. I DIDN'T  
21 COMPLETELY GO OUT AND LOST CONSCIOUSNESS.

22 Q YOU USED THE PHRASE EARLIER "I WAS GOING IN AND OUT."  
23 WHAT DOES THAT MEAN?

24 A WELL I SLAMMED MY HEAD, MY FACE IN THE CONCRETE. IT  
25 DAZES YOU, AND YOU JUST KIND OF GET DIZZY. PLUS I WAS  
26 DRUNK.

27 Q DID YOU EVER HIT THE DEFENDANT?

28 A I DON'T RECALL.

CT<sub>17</sub>

1 Q DO YOU RECALL TRYING TO DEFEND YOURSELF AT ALL?

2 A A LITTLE BIT.

3 Q HOW?

4 A JUST HOLDING MY HANDS UP, ARMS.

5 Q ALL RIGHT. BUT YOU DON'T RECALL THROWING ANY PUNCHES?

6 A NO, NOT A HUNDRED PERCENT. I DON'T REMEMBER ALL THAT.

7 Q ALL RIGHT. AGAIN, I APPRECIATE YOU COMING DOWN HERE.

8 I KNOW YOU DON'T WANT TO BE HERE BUT THANKS FOR TELLING THE  
9 TRUTH. THAT'S ALL THE QUESTIONS I HAVE.

10 A OKAY.

11 THE COURT: CROSS-EXAMINATION.

12 CROSS-EXAMINATION

13 Q (BY MR. CAMPERI) NOW, MR. DAVIS, I WANT TO TALK TO  
14 YOU INITIALLY ABOUT WHEN YOU WERE AT THE PARK AT THIS LITTLE  
15 PARTY OR GET-TOGETHER THAT YOU GUYS WERE HAVING.

16 A UH-HUH.

17 Q YOU INDICATED THAT YOU HAD BEEN DRINKING SOME VODKA  
18 DURING THAT TIME FRAME; CORRECT?

19 A RIGHT. YOU'RE CORRECT.

20 Q AND YOU SAID THAT YOU DRANK THREE-QUARTERS OF A FIFTH  
21 OF VODKA?

22 A YES.

23 Q DID YOU HAVE ANYTHING ELSE TO DRINK BESIDES THAT?

24 A I DON'T RECALL. I MIGHT HAVE HAD A BEER, POSSIBLY.

25 Q SO IT IS POSSIBLE THAT YOU HAD --

26 A YEAH. THERE WERE SOME GUYS THERE AT THE PICNIC TABLE  
27 THAT WERE DRINKING SOME BEERS.

28 Q I'LL ASK FOR YOU WAIT FOR ME TO FINISH MY QUESTION

CT 18

1 AGAIN, BECAUSE THE COURT REPORTER --  
2 A OKAY. I'M SORRY.  
3 Q YOU SORT OF JUST TALKED OVER ME AGAIN. JUST WAIT TILL  
4 I'M FINISHED WITH THE QUESTION, OKAY?  
5 A YES, SIR.  
6 Q THANK YOU. SO YOU MIGHT HAVE HAD ONE OR TWO MORE  
7 BEERS WHILE YOU WERE THERE ALSO?  
8 A THERE WAS A GOOD CHANCE OF THAT.  
9 Q DID YOU HAVE ANY DRINKING -- DID YOU DO ANY DRINKING  
10 PRIOR TO GOING TO THE PARTY ON THAT SAME DAY?  
11 A I DON'T RECALL.  
12 Q WAS IT YOUR NORMAL PATTERN TO START DRINKING WHEN YOU  
13 FIRST GOT UP IN THE MORNING?  
14 A YES.  
15 Q SO YOU COULD HAVE HAD SOMETHING TO DRINK EARLIER THAT  
16 DAY BEFORE YOU WENT TO THE PARK?  
17 A YES.  
18 Q IT WOULD NOT BE UNUSUAL FOR YOU TO DO THAT?  
19 A NO IT WOULDN'T.  
20 Q NOW, AT SOME POINT YOU LEAVE THIS GATHERING TO GO BACK  
21 TO JEFF'S HOUSE; CORRECT?  
22 A YES.  
23 Q DID YOU LEAVE BECAUSE YOU FELT YOU WERE TOO DRUNK AND  
24 OBNOXIOUS?  
25 A YEAH. I WAS GETTING PRETTY TIRED OUT.  
26 Q AND IS THIS AS A RESULT OF YOUR DRINKING DURING THE  
27 COURSE OF THE DAY?  
28 A THERE WAS ONE OF THE GIRLS THERE THAT WAS STARTING TO



CT<sub>19</sub>

1 GET ON MY NERVES, SO I LEFT.

2 Q AND WERE YOU BEING OBNOXIOUS WITH THIS GIRL?

3 A PROBABLY SO.

4 Q YOU'RE NOT SURE?

5 A IT WOULD BE A GOOD GUESS.

6 Q SO YOU DON'T REMEMBER BECAUSE YOU WERE --

7 A NOT A HUNDRED PERCENT.

8 Q YOU DON'T REMEMBER BECAUSE YOU WERE TOO INTOXICATED?

9 A YEAH, I WAS HAMMERED.

10 Q NOW, WHEN YOU LEFT THE PARTY, DID YOU DRIVE BACK TO

11 THE APARTMENT?

12 A NO, I WALKED.

13 Q HOW FAR AWAY IS THE APARTMENT FROM THIS PARTY?

14 A PROBABLY THREE BLOCKS.

15 Q THREE BLOCKS.

16 A THREE AND A HALF BLOCKS.

17 Q AND DURING THE COURSE OF YOUR WALK WERE YOU STAGGERING

18 WHEN YOU WERE WALKING BACK, OR WERE YOU ABLE TO WALK

19 COHERENTLY, WITHOUT STAGGERING AS A RESULT OF THE ALCOHOL?

20 A I DON'T -- I MAY HAVE BEEN STAGGERING. I DON'T

21 RECALL. USUALLY WHEN I GET THAT DRUNK AND I'M AT THE PARK,

22 I JUST LAY DOWN ON THE LAWN.

23 Q NOW, WHEN YOU GOT BACK TO THE APARTMENT, YOU DIDN'T

24 HAVE A KEY TO ENTER THE APARTMENT; CORRECT?

25 A NO, SIR.

26 Q SO, ISN'T IT TRUE THAT WHEN YOU GOT NEXT TO JEFF'S

27 DOOR, THAT YOU JUST LAID DOWN RIGHT THERE?

28 A YEAH.

CT 20

1 Q NOW, WHEN YOU LAID DOWN, WERE YOU IN FACT PASSED OUT  
2 FROM THE ALCOHOL?

3 A NO, I WAS AWAKE.

4 Q DID YOU GO TO SLEEP AT ALL?

5 A I DON'T THINK SO.

6 Q NOW, BEFORE JEFF CAME BACK TO THE APARTMENT, YOU  
7 INDICATE THAT YOU HAD A RATHER SERIOUS FALL WHERE YOU  
8 SMASHED YOUR FACE AGAINST SOME ASPHALT; CORRECT?

9 A YES.

10 Q WAS THAT -- DID THAT OCCUR PRIOR TO GETTING TO THE  
11 APARTMENT?

12 A I BELIEVE SO.

13 Q I'M NOT ASKING WHAT YOU BELIEVE, I'M ASKING WHAT YOU  
14 ACTUALLY RECALL. DID YOU FALL ON THE PAVEMENT --

15 A I REMEMBER FALLING DOWN.

16 Q AND DID YOU FALL ON THE ASPHALT OF THE STREET?

17 A NO. THERE'S A WALKWAY THERE THAT LEADS TO THE  
18 APARTMENT. IT'S EXPOSED AGGREGATE.

19 Q AND THIS IS THE AGGREGATE THAT YOU FELL ON?

20 A YES.

21 Q AND THIS WAS PRIOR TO JEFF ARRIVING?

22 A YES.

23 Q AND THE INJURIES --

24 MR. CAMPERI: YOUR HONOR, IF I MAY APPROACH.

25 THE COURT: YES, YOU MAY.

26 Q (BY MR. CAMPERI) ON DIRECT EXAMINATION THE DISTRICT  
27 ATTORNEY SHOWED YOU A NUMBER OF PHOTOGRAPHS. DO YOU RECALL  
28 LOOKING AT THESE PHOTOGRAPHS?

CT<sub>21</sub>

1 A YEAH.

2 Q I'M SHOWING YOU WHAT'S MARKED AS PEOPLE'S EXHIBIT  
3 NUMBER 4 AND PEOPLE'S EXHIBIT NUMBER 3. THERE'S A SHOWING  
4 THAT THERE'S SOME SCRAPING OR REDNESS ON THE SIDE OF YOUR  
5 CHEEK. DO YOU SEE THAT?

6 A YES.

7 Q AND I'M LOOKING AT PEOPLE'S EXHIBIT NUMBER 4 WHERE  
8 THERE'S A RULER THAT'S AGAINST YOUR FACE TO SHOW THE WIDTH  
9 AND LENGTH OF THE INJURY. DO YOU SEE THAT?

10 A YES, SIR.

11 Q WAS THAT INJURY AS A RESULT OF FALLING ON YOUR FACE ON  
12 THE ASPHALT?

13 A COULD HAVE BEEN, YES.

14 Q I'M NOT ASKING WHETHER IT COULD HAVE BEEN. I'M ASKING  
15 WHETHER IT WAS.

16 A I DON'T KNOW. MY MEMORY IS A LITTLE VAGUE ON THAT.

17 Q IS YOUR MEMORY A LITTLE VAGUE BECAUSE YOU HAD BEEN SO  
18 INTOXICATED THAT YOU COULDN'T REALLY REMEMBER WHAT HAPPENED?

19 A YEAH, I FELL AND WHACKED MY FACE.

20 Q BUT WERE YOU SO INTOXICATED THAT YOU DON'T REMEMBER  
21 WHICH SIDE OF THE FACE, YOUR FACE, YOU FELL ON?

22 A NO, I CAN'T TELL YOU.

23 Q BUT YOU'RE CERTAIN THAT YOU DID RECEIVE --

24 A I KNOW PART OF THOSE INJURIES ARE FROM FALLING DOWN.

25 Q AND THOSE INJURIES WOULD BE --

26 A THAT WOULD BE PRIOR TO JEFF AND I GETTING IN AN  
27 ARGUMENT.

28 Q YOU GOT TO LET ME FINISH MY QUESTION.

CT22

1 A OKAY.

2 Q PRIOR TO GETTING INTO THE ARGUMENT YOU HAVE RECEIVED

3 SOME INJURIES TO YOUR FACE FROM FALLING ON TO THE GROUND;

4 CORRECT?

5 A YES.

6 Q AND THAT COULD EXPLAIN THE SCRAPING INJURIES THAT WE

7 SEE IN PHOTOGRAPHS 3 AND 4?

8 A I WOULD THINK SO.

9 Q NOW, WHEN YOU TALKED TO THE POLICE INITIALLY ABOUT

10 THIS OFFENSE, DO YOU RECALL HAVING A CONVERSATION WITH THE

11 OFFICERS?

12 A ONLY AT THE HOSPITAL.

13 Q YOU DON'T REMEMBER TALKING TO THE OFFICERS AT THE

14 APARTMENT?

15 A NOT REALLY.

16 Q WHEN DISCUSSING THESE INJURIES WITH THE POLICE

17 OFFICER, DO YOU RECALL TELLING THE OFFICER THAT YOU BELIEVE

18 THE INJURIES THAT YOU RECEIVED AS A RESULT OF THIS FIGHT

19 WITH MR. HANCOCK OCCURRED ON THE PRIOR DAY?

20 A I DON'T RECALL SAYING THAT.

21 Q FAIR ENOUGH. NOW, WHEN JEFF ARRIVED BACK AT THE

22 APARTMENT, WERE YOU LAYING DOWN IN FRONT OF THE APARTMENT?

23 A I MAY HAVE BEEN.

24 Q DID JEFF MAKE ANY ATTEMPT TO WAKE YOU UP OR ALERT YOU

25 TO HIS PRESENCE?

26 A I THINK SO.

27 Q YOU THINK SO OR YOU ACTUALLY REMEMBER THIS?

28 A I DON'T -- I CAN'T SAY WHETHER I REMEMBER OR NOT.

C.T.23

1 IT'S VAGUE.

2 Q AND IS IT VAGUE BECAUSE OF YOUR INGESTION OR YOUR  
3 CONSUMPTION OF ALL THAT ALCOHOL PRIOR TO ARRIVING AT JEFF'S  
4 APARTMENT?

5 A I WOULD ASSUME SO.

6 Q I'M NOT ASKING YOU TO ASSUME ANYTHING. I'M ASKING YOU  
7 BASED ON YOUR OWN UNDERSTANDING OF THE EVENTS WAS IT AS A  
8 RESULT OF THE ALCOHOL CONSUMPTION THAT YOU DON'T RECALL?

9 A YES.

10 Q SO YES OR NO, IT WAS AS A RESULT OF THE ALCOHOL THAT  
11 YOU DON'T RECALL WHAT POSITION YOU WERE IN WHEN JEFF  
12 ARRIVED?

13 A YES.

14 Q NOW, DO YOU RECALL TELLING THE OFFICERS ON THIS DAY  
15 THAT YOU BELIEVED THAT THREE MEXICANS ASSAULTED YOU?

16 A YES.

17 Q DID THREE MEXICANS IN FACT ASSAULT YOU?

18 A NO.

19 Q ARE YOU FAMILIAR WITH A PERSON BY THE NAME OF STEVE  
20 DUNCAN?

21 A YES, I KNOW HIM.

22 Q IS STEVE DUNCAN A FRIEND OF YOURS?

23 A HE'S AN ACQUAINTANCE.

24 Q WAS STEVE DUNCAN PRESENT ON THAT DAY THAT THIS ASSAULT  
25 OCCURRED AT JEFF'S APARTMENT?

26 A I DON'T RECALL.

27 Q SO YOU DON'T REMEMBER IF STEVE DUNCAN WAS ACTUALLY  
28 THERE?

CT<sub>24</sub>

1 A WELL, IT WOULDN'T BE FAIR FOR ME TO SAY, BECAUSE THERE  
2 WERE SOME OTHER FOLKS THERE THAT TOLD ME HE WAS THERE, BUT I  
3 DON'T REALLY REMEMBER IF HE WAS THERE OR NOT. BUT THEY  
4 DON'T HAVE ANY REASON TO LIE ABOUT THAT, SO I DON'T KNOW FOR  
5 SURE.

6 Q WHEN YOU WERE BEING ASSAULTED BY THE PERSON THAT YOU  
7 SAID WAS JEFF, ACTUALLY ASSAULTING YOU, DID YOU SEE THIS  
8 PERSON'S FACE WHEN THE ASSAULT WAS OCCURRING?

9 A YES.

10 Q AND YOU'RE CERTAIN THAT IT WAS JEFF?

11 A YES.

12 Q IS IT POSSIBLE THAT IT COULD HAVE BEEN STEVE DUNCAN  
13 ASSAULTING YOU?

14 A I DOUBT IT. I DON'T THINK SO.

15 Q WHEN YOU SAY YOU DON'T THINK SO, WHY DO YOU SAY THAT?

16 A BECAUSE HE WOULDN'T HAVE ANY REASON TO.

17 Q SO YOU'RE BASING YOUR DETERMINATION THAT IT WASN'T  
18 STEVE DUNCAN THAT ASSAULTED YOU BASED ON THE FACT THAT HE  
19 HAD NO MOTIVE TO ASSAULT YOU?

20 A HE -- YES.

21 Q YOU'RE NOT CERTAIN WHETHER OR NOT HE ACTUALLY  
22 ASSAULTED YOU?

23 A I DON'T BELIEVE STEVE DID ANYTHING.

24 Q AGAIN, I'M GOING TO ASK YOU, YOU SAY THAT YOU DO NOT  
25 BELIEVE THAT HE DID ANYTHING. WHY DO YOU SAY THAT?

26 A HE DIDN'T HAVE ANY MOTIVE TO DO THAT.

27 Q SO IT IS POSSIBLE THAT STEVE DUNCAN COULD HAVE  
28 ASSAULTED YOU?

CT<sub>25</sub>

1 A I DOUBT IT.

2 Q BUT YOU DOUBT IT BASED ON THE FACT THAT HE HAD NO  
3 MOTIVE, NOT BECAUSE YOU DIDN'T SEE HIM?

4 A I'VE ONLY KNOWN THE GUY FOR LIKE A COUPLE OF MONTHS.  
5 THERE'S NO REASON TO DO ANYTHING LIKE THAT.

6 Q NOW, WHEN YOU SAY THAT YOU SAW JEFF AT SOME POINT  
7 ASSAULTING YOU, DID HE AT ANY TIME THROW A PUNCH?

8 A YEAH.

9 Q AND DO YOU RECALL WHERE THIS PUNCH -- WHERE THIS FIRST  
10 PUNCH OCCURRED? WAS IT OUTSIDE? IN FRONT OF THE APARTMENT?

11 A YES. EVERYTHING HAPPENED OUTSIDE OF THE APARTMENT.

12 Q HOW MANY TIMES DID HE PUNCH YOU?

13 A I DON'T KNOW.

14 Q YOU DON'T KNOW?

15 A NO.

16 Q DO YOU NOT KNOW BECAUSE YOU CAN'T REMEMBER AS A RESULT  
17 OF THE INTOXICATION, OR YOU DON'T REMEMBER BECAUSE YOU  
18 DIDN'T COUNT?

19 A IT JUST HAPPENED FAST, YOU KNOW AND, YOU KNOW, IT WAS  
20 LIKE, YOU KNOW, A TWO-MINUTE DEAL GOING ON, YOU KNOW. LIKE  
21 I SAID, I DON'T REMEMBER EVERYTHING.

22 Q SO YOU DON'T REMEMBER HOW MANY TIMES HE PUNCHED YOU  
23 WITH HIS FIST?

24 A NO, NO. THERE WASN'T A REFEREE THERE COUNTING.

25 Q WHEN YOU WERE BEING PUNCHED, WERE YOU LAYING ON THE  
26 GROUND OR WERE YOU STANDING UP?

27 A ON THE GROUND.

28 Q WAS YOUR -- WERE YOU LYING ON YOUR BACK, OR WERE YOU

C.T. 26

1 LAYING ON YOUR FACE WHEN YOU WERE BEING PUNCHED?

2 A COULD HAVE BEEN BOTH.

3 Q YOU DON'T RECALL?

4 A NO, IT'S PRETTY VAGUE.

5 Q IS IT PRETTY VAGUE AGAIN BECAUSE YOU WERE INTOXICATED  
6 AND YOU HAD SO MUCH TO DRINK?

7 A THAT'S PART OF IT, YES.

8 Q NOW, YOU INDICATE THAT AT SOME POINT YOU FELL ON A  
9 SECOND TIME INTO A BUSH; IS THAT CORRECT?

10 A YEAH.

11 Q AND WHEN YOU FELL INTO THE BUSH, YOU BELIEVE THAT YOU  
12 FELT A STABBING PAIN IN YOUR BACK; IS THAT CORRECT?

13 A THAT'S WHAT I THOUGHT.

14 Q NOW, WAS THIS -- DID THIS OCCUR BEFORE JEFF CAME OVER,  
15 OR WAS IT AFTER JEFF CAME BACK HOME?

16 A IT WAS AFTER JEFF CAME HOME.

17 Q AND WHEN YOU FELL INTO THE BUSH, WAS IT AS A RESULT OF  
18 YOU SIMPLY LOSING YOUR BALANCE AND FALLING, OR WAS IT AS A  
19 RESULT OF --

20 A MOST LIKELY.

21 Q SO YOU BELIEVE THAT YOU SIMPLY FELL BY LOSING YOUR  
22 BALANCE?

23 A YES.

24 MR. CAMPERI: MAY I APPROACH THE WITNESS AGAIN,  
25 YOUR HONOR?

26 THE COURT: YES.

27 Q (BY MR. CAMPERI) I'M SHOWING YOU PEOPLE'S EXHIBIT  
28 NUMBER 5, WHAT YOU PREVIOUSLY DESCRIBED AS A PUNCTURE WOUND.



CT<sub>27</sub>

1 DO YOU SEE THAT?

2 A UH-HUH.

3 Q IS THAT "YES"?

4 A YES.

5 THE COURT: YOU HAVE TO SAY "YES" OR "NO."

6 THE WITNESS: I'M SORRY. YES.

7 Q (BY MR. CAMPERI) NOW, ON DIRECT EXAMINATION AND IN  
8 EXAMINING PEOPLE'S EXHIBIT NUMBER 5 THERE'S A RULER NEXT TO  
9 THIS PUNCTURE WOUND. DO YOU SEE THAT?

10 A YES, I DO.

11 Q AND IT'S MEASURING THE SIZE OF THE PUNCTURE WOUND. DO  
12 YOU SEE THAT?

13 A RIGHT.

14 Q IN EXAMINING THIS PUNCTURE WOUND DO YOU BELIEVE THAT  
15 IT IS A RESULT OF YOU LOSING YOUR BALANCE AND FALLING INTO A  
16 BUSH WHICH POKED YOU?

17 A AT FIRST I THOUGHT THAT'S WHAT HAPPENED BUT --

18 Q LET'S STOP RIGHT THERE. EXPLAIN WHAT YOU MEAN BY AT  
19 FIRST THAT'S WHAT YOU THOUGHT HAPPENED. NOT BASED ON WHAT  
20 OTHER PEOPLE TOLD YOU BUT WHAT YOU THOUGHT.

21 A I'VE HAD SO MANY MIXED FEELINGS ABOUT THAT, IT'S --  
22 LIKE I SAID, I CAN'T RECALL EVERYTHING THAT HAPPENED, YOU  
23 KNOW.

24 Q DO YOU BELIEVE THAT AS A RESULT -- AFTER THINKING  
25 ABOUT IT WITHOUT WHAT OTHER PEOPLE TOLD YOU, DO YOU BELIEVE  
26 THAT YOU RECEIVED THAT PUNCTURE WOUND AS A RESULT OF FALLING  
27 INTO A BUSH?

28 A NO.

C.T.28

1 Q YOU INDICATED PREVIOUSLY THAT THAT WAS WHAT YOU AT  
2 FIRST THOUGHT HAPPENED; IS THAT CORRECT?

3 A YES.

4 Q NOW YOU'RE CHANGING THAT. CAN YOU EXPLAIN WHY?

5 A I WAS TOLD THAT IT WAS A STAB WOUND.

6 Q FAIR ENOUGH. WHAT YOU ACTUALLY REMEMBER, THOUGH, IS  
7 THAT YOU FELL INTO A BUSH, AND THAT'S HOW YOU BELIEVE YOU  
8 RECEIVED THAT WOUND; IS THAT CORRECT?

9 A YEAH.

10 Q THANK YOU.

11 A YOU'RE WELCOME.

12 Q AT ANY TIME DO YOU RECALL EVER ENTERING JEFF'S  
13 APARTMENT AFTER JEFF ARRIVED THAT AFTERNOON OR EVENING?

14 A NO. I HAVE BEEN TOLD SOMEBODY PICKED ME UP AND PULLED  
15 ME IN THE APARTMENT.

16 Q SO YOU DON'T EVER ACTUALLY REMEMBER ENTERING THE  
17 APARTMENT YOURSELF?

18 A NO.

19 Q IS THIS BECAUSE YOU WERE SO INTOXICATED ON ALCOHOL?

20 A YEAH, THAT AND WOUNDED.

21 MR. CAMPERI: IF I COULD HAVE JUST ONE MOMENT,  
22 YOUR HONOR.

23 Q (BY MR. CAMPERI) WHEN YOU FELL AND HIT YOUR HEAD ON  
24 THE ASPHALT AREA THAT WE PREVIOUSLY DISCUSSED ON  
25 CROSS-EXAMINATION, DID THAT DAZE YOU IN ANY WAY; IN OTHER  
26 WORDS, DID THAT AFFECT YOUR ABILITY TO THINK CLEARLY?

27 A IT'S A POSSIBILITY.

28 Q I'M ASKING WHAT YOU REMEMBER. DO YOU REMEMBER HAVING

CT<sub>29</sub>

1 TROUBLE THINKING AFTER YOU FELL ON YOUR FACE?

2 A YEAH, I WAS DAZED. I WASN'T UNCONSCIOUS, BUT I WAS  
3 DAZED.

4 Q AND THIS WAS AFTER YOU FELL ON YOUR OWN, WITHOUT  
5 ANYBODY PUSHING YOU?

6 A YEAH, I TRIPPED AND FELL.

7 Q BEFORE JEFF ARRIVED; CORRECT?

8 A YEAH.

9 Q AS A RESULT OF ANY FIGHTING THAT YOU BELIEVE YOU HAD  
10 WITH JEFF IS IT A FAIR STATEMENT TO SAY THAT YOU NEVER LOST  
11 ANY CONSCIOUSNESS AT ALL?

12 A YEAH, THAT'S A FAIR STATEMENT.

13 Q IS THAT WHAT HAPPENED, YOU NEVER LOST CONSCIOUSNESS AS  
14 A RESULT OF ANY FIGHTING WITH JEFF?

15 A YEAH. I WAS HAZED, BUT LIKE I SAID, I DON'T RECALL  
16 PASSIN' OUT TOTALLY.

17 Q FAIR ENOUGH. THANK YOU.

18 MR. CAMPERI: I HAVE NO OTHER QUESTIONS.

19 THE COURT: ANY REDIRECT?

20 MR. DEMERTZIS: YES, YOUR HONOR.

21 REDIRECT EXAMINATION

22 Q (BY MR. DEMERTZIS) MR. DAVIS, DO YOU THINK IT'S OKAY  
23 FOR SOMEONE TO BEAT UP ANOTHER PERSON?

24 MR. CAMPERI: I'M GOING TO OBJECT, RELEVANCE.

25 THE COURT: DO YOU WANT TO BE HEARD ON THAT?

26 MR. DEMERTZIS: YES, YOUR HONOR. I WANT TO TRY  
27 AND DETERMINE WHY MR. DAVIS IS COVERING UP FOR THE  
28 DEFENDANT.

CT30

1 THE COURT: WELL, I'M GOING TO SUSTAIN THE  
2 OBJECTION. YOU CAN APPROACH IT A DIFFERENT WAY, PERHAPS, IF  
3 YOU'D LIKE, BUT I'LL SUSTAIN THAT OBJECTION.

4 Q (BY MR. DEMERTZIS) YOU TOLD US EARLIER THAT YOU THINK  
5 THE DEFENDANT IS AN OKAY GUY. I DON'T REMEMBER WHAT WORDS  
6 YOU USED, BUT YOU THINK HE'S AN OKAY GUY; RIGHT?

7 A YEAH, HE'S A GOOD GUY.

8 Q HE'S A GOOD GUY?

9 A YEAH.

10 Q DO YOU WANT TO SEE HIM GET IN TROUBLE?

11 A NO, I DON'T.

12 Q ARE YOU PROTECTING HIM RIGHT NOW WITH YOUR TESTIMONY?

13 A I'M JUST TRYING TO TELL YOU THE TRUTH.

14 Q FAIR ENOUGH.

15 A WHAT I RECALL. AND I DON'T REMEMBER EVERYTHING.

16 Q FAIR ENOUGH. DO YOU NOT REMEMBER CERTAIN THINGS  
17 BECAUSE YOU BLACKED OUT?

18 A I DON'T THINK I BLACKED OUT. I WAS HAZED, YOU KNOW,  
19 DAZED.

20 Q HAVE YOU TALKED TO THE DEFENDANT SINCE THIS ALL  
21 HAPPENED?

22 A NO, I HAVEN'T.

23 Q NOT AT ALL?

24 A NO, I HAVEN'T.

25 Q ALL RIGHT. YOU REMEMBER TALKING TO OFFICER KIM THAT  
26 DAY, THE GENTLEMAN SEATED HERE IN UNIFORM?

27 A AT THE HOSPITAL.

28 Q DO YOU REMEMBER TALKING TO HIM AT THE SCENE?

CT31

1 A I DON'T RECALL.

2 Q DO YOU REMEMBER TELLING OFFICER KIM AT THE SCENE THAT  
3 YOU THOUGHT THREE MEXICAN GUYS JUMPED YOU AT THE FAIR OAKS  
4 APARTMENT?

5 A OH, OKAY. YEAH, I DID SAY THAT.

6 Q DID YOU TELL OFFICER KIM THAT ONE OF THESE THREE  
7 MEXICAN GUYS CAME UP FROM BEHIND AND STABBED YOU?

8 A I DON'T RECALL SAYING THAT.

9 Q DID YOU TELL OFFICER KIM THAT THE THREE MEXICAN GUYS  
10 THEN, QUOTE, TOOK THE BOOTS, UNQUOTE TO YOU?

11 A YEAH, HE --

12 MR. CAMPERI: YOUR HONOR, I'LL OBJECT, BECAUSE I  
13 BELIEVE THE DISTRICT ATTORNEY IS ATTEMPTING TO IMPEACH THE  
14 DEFENDANT, AND I DON'T KNOW IF THERE'S ANY -- THIS IS  
15 IMPROPER, AND IT SHOULD BE REFRESHING RECOLLECTION FIRST,  
16 AND AT THAT POINT THERE MUST BE A DETERMINATION AS TO  
17 WHETHER IMPEACHMENT IS APPROPRIATE.

18 THE COURT: I'LL OVERRULE THAT OBJECTION.

19 Q (BY MR. DEMERTZIS) DO YOU RECALL TELLING OFFICER KIM  
20 THAT THESE THREE MEXICAN GUYS TOOK THE BOOTS TO YOU?

21 A YEAH, I BELIEVE I SAID THEY GAVE ME THE BOOT MASSAGE.

22 Q DID OFFICER KIM AT THE SCENE TELL YOU THAT HE DID NOT  
23 THINK YOU WERE TELLING HIM THE TRUTH?

24 A HE TOLD ME THAT AT THE HOSPITAL. I DON'T REMEMBER HIM  
25 SAYING THAT AT THE SCENE, AT JEFF'S PLACE.

26 Q SO OFFICER KIM COULD HAVE SAID AT THE SCENE THAT HE  
27 DID NOT BELIEVE YOU, YOU JUST DON'T REMEMBER?

28 A HE COULD HAVE.

CT<sub>32</sub>

1 Q DO YOU RECALL THEN JUST NOT WANTING TO TALK ABOUT IT  
2 WITH OFFICER KIM AT THE SCENE?  
3 A YEAH. LIKE I SAID EARLIER, I WAS LYING.  
4 Q YOU WERE LYING ABOUT THE THREE MEXICAN GUYS?  
5 A YEAH.  
6 Q WHY WERE YOU LYIN'?  
7 A I DIDN'T WANT TO SEE JEFF GET IN TROUBLE.  
8 Q IS THAT BECAUSE JEFF'S THE GUY WHO BEAT YOU UP?  
9 A YES.  
10 Q IS JEFF THE GUY THAT STABBED YOU?  
11 A WHAT FOLKS TELL ME. I DIDN'T SEE HIM DO IT.  
12 Q AND YOU'RE TELLING ME THAT --  
13 A I DON'T RECALL THAT. I JUST RECALL FEELING, YOU KNOW,  
14 SOME PAIN.  
15 Q DESCRIBE THAT PAIN FOR US.  
16 A IT WAS KIND OF A SHARP PAIN. MY RIBS HURT. MY FACE  
17 HURT.  
18 Q DID YOU FEEL THE SHARP PAIN WHILE THE DEFENDANT WAS  
19 BEATIN' YOU UP?  
20 A I DON'T REMEMBER.  
21 Q DID YOU SUSTAIN ANY INJURIES OTHER THAN THOSE IN THE  
22 PHOTOGRAPHS AND THIS PUNCTURE WOUND, WHICH IS ALSO IN THE  
23 PHOTOGRAPHS. DID YOU SUSTAIN ANY OTHER INJURIES THAT I  
24 HAVEN'T ASKED YOU ABOUT?  
25 A YEAH, I HAD -- I HAD BUMPS ALL OVER THE BACK OF MY  
26 HEAD.  
27 Q HOW ABOUT YOUR RIBS?  
28 A THREE CRACKED RIBS, BRUISED STERNUM.

1 Q HOW DO YOU KNOW YOU HAD THREE CRACKED RIBS?

2 A THE DOCTORS TOLD ME THAT AT STANFORD HOSPITAL. THEY  
3 RAN ME THROUGH ONE OF THOSE -- WHAT IS THAT? M.R.I.

4 Q AND THEY TOLD YOU YOU HAD BROKEN RIBS?

5 A YEAH.

6 MR. CAMPERI: YOUR HONOR, I'M GOING TO OBJECT TO  
7 THIS MEDICAL TESTIMONY, BASED ON HEARSAY.

8 THE COURT: I'LL SUSTAIN THE OBJECTION AND STRIKE  
9 THE ANSWER THAT THE RIBS WERE CRACKED, BECAUSE IT APPEARS TO  
10 BE HEARSAY FROM THAT, THE DOCTOR WHO IS NOT PRESENT.

11 Q (BY MR. DEMERTZIS) DID YOU EVER PLAY SPORTS AT ALL  
12 GROWING UP?

13 A OH, YES.

14 Q DID YOU EVER GET INJURED PLAYING SPORTS?

15 A YES.

16 Q DID YOU EVER BREAK A RIB?

17 A YES.

18 Q DO YOU KNOW WHAT THAT FEELS LIKE?

19 A YES.

20 Q ALL RIGHT. AFTER THE BEATING YOU TOOK BY THE  
21 DEFENDANT, DID IT FEEL LIKE YOU GOT BROKEN RIBS?

22 A I KNEW THEY WERE BROKEN.

23 Q BECAUSE OF YOUR PAST EXPERIENCE GETTING BROKEN RIBS?

24 A YES, IN CAR WRECKS.

25 Q IN CAR WRECKS YOU'VE HAD RIBS BROKEN?

26 A YEAH.

27 Q AND THE FEELING THAT YOU HAD AFTER THE DEFENDANT BEAT  
28 YOU UP IN YOUR RIBS WAS SIMILAR TO THE FEELING YOU HAD

CT<sub>34</sub>

1 GETTING INJURED PLAYING SPORTS AND BREAKING RIBS IN CAR  
2 WRECKS; IS THAT CORRECT?

3 A YES.

4 Q YOU REMEMBER TALKING TO OFFICER KIM AT THE HOSPITAL;  
5 RIGHT?

6 A YES.

7 Q DID YOU TELL OFFICER KIM AT THE HOSPITAL THAT YOU'RE  
8 NOT A QUOTE, UNQUOTE, RAT AND YOU DID NOT WANT TO PRESS ANY  
9 CHARGES AGAINST ANYONE?

10 A YES, I RECALL THAT.

11 Q OFFICER KIM TOLD YOU THAT HE NEEDED YOU TO BE HONEST  
12 WITH HIM; RIGHT?

13 A RIGHT.

14 Q DID YOU THEN TELL OFFICER KIM THAT YOU DIDN'T WANT THE  
15 OFFICER TO TELL JEFF THAT YOU RATTED HIM OUT?

16 A YES.

17 Q DID YOU THEN TELL OFFICER KIM THAT YES, JEFF, TO USE  
18 YOUR WORDS, BEAT THE SHIT OUT OF YOU?

19 A YES.

20 Q DID YOU TELL OFFICER KIM THAT YOU WERE SLEEPING IN  
21 FRONT OF THE DEFENDANT'S APARTMENT DOOR WHEN THE DEFENDANT  
22 CAME HOME?

23 A PROBABLY SO.

24 Q YOU TOLD OFFICER KIM THAT YOU SOMETIMES STAY WITH THE  
25 DEFENDANT BECAUSE YOU'RE FRIENDS WITH THE DEFENDANT; RIGHT?

26 A RIGHT.

27 Q AND THAT WHILE YOU WERE SLEEPING IN FRONT OF HIS CAR,  
28 THE DEFENDANT CAME HOME AND HE WAS IN A BAD MOOD; YOU TOLD



CT38

1 Q BUT THAT YOU THOUGHT MAYBE YOU, QUOTE, SOCKED, UNQUOTE  
2 THE DEFENDANT IN THE EYE?

3 A I MAY HAVE DONE THAT.

4 Q DID YOU TELL THE OFFICER THAT YOU THOUGHT MAYBE YOU  
5 SOCKED THE DEFENDANT IN THE EYE?

6 A I KNOW I WAS TRYING TO FIGHT BACK. I WASN'T SURE IF I  
7 GOT HIM OR NOT.

8 Q LAST QUESTION ABOUT THE CONVERSATION BETWEEN YOU AND  
9 OFFICER KIM AT THE HOSPITAL: DID YOU TELL OFFICER KIM THAT  
10 IF THE DEFENDANT FOUND OUT THAT YOU WERE A RAT, THAT HE  
11 WOULD KILL YOU?

12 A I DON'T RECALL SAYING THAT.

13 Q YOU MAY HAVE SAID THAT?

14 A LIKE I SAID, I DON'T RECALL.

15 Q DO YOU BELIEVE THAT?

16 A NO, I DON'T BELIEVE THAT.

17 Q BUT YOU STARTED THAT CONVERSATION WITH OFFICER KIM AT  
18 THE HOSPITAL BY TELLING HIM, "DON'T TELL JEFF THAT I'M  
19 RATTING HIM OUT"; RIGHT?

20 A YEAH, I DIDN'T WANT TO DO THAT. I DIDN'T WANT TO SEE  
21 HIM GET IN TROUBLE.

22 Q IT'S NOT THAT YOU'RE AFRAID OF HIM?

23 A NO, I'M NOT AFRAID OF HIM.

24 Q YOU'RE NOT AFRAID OF A GUY WHO BEAT YOU UP?

25 A WELL, YEAH. YOU KNOW, I'M NO SPRING CHICKEN, YOU  
26 KNOW.

27 Q WHEN THE DEFENDANT GOT BACK TO HIS APARTMENT, YOU WERE  
28 WAITING OUT FRONT, WAS STEVE DUNCAN EVEN THERE?

CT39

1 A YOU KNOW, I DON'T RECALL, BUT I WAS TOLD LATER THAT HE  
2 WAS THERE.

3 MR. DEMERTZIS: MOVE TO STRIKE THAT LAST RESPONSE  
4 AS HEARSAY AND NONRESPONSIVE.

5 THE COURT: APPEARS TO BE. IT'S STRICKEN.

6 Q (BY MR. DEMERTZIS) WHAT I'M ASKING YOU, MR. DAVIS, IS  
7 YOU WERE WAITING OUT IN FRONT OF THE DEFENDANT'S APARTMENT  
8 FOR HIM TO GET HOME FOR HOW LONG?

9 A PROBABLY WAS AN HOUR, MAYBE AN HOUR AND A HALF.

10 Q SO IF IN THAT HOUR, HOUR AND A HALF DID YOU EVER SEE  
11 STEVE DUNCAN AT ALL?

12 A I DON'T THINK SO.

13 Q I MEAN YOU KNOW THE GUY; RIGHT?

14 A YEAH, I KNOW HIM.

15 Q AND YOU DON'T RECALL SEEING HIM WHILE YOU WERE WAITING  
16 IN FRONT OF THE DEFENDANT'S APARTMENT?

17 A NO, I DON'T REMEMBER THAT.

18 Q ALL RIGHT. THAT'S ALL THE QUESTIONS I HAVE. THANK  
19 YOU, SIR.

20 THE COURT: RECROSS.

21 MR. CAMPERI: JUST BRIEFLY, YOUR HONOR.

22 RECROSS-EXAMINATION

23 Q (BY MR. CAMPERI) ON DIRECT EXAMINATION AND ON  
24 REDIRECT THERE WERE SOME QUESTIONS ABOUT YOUR INJURIES.  
25 WITH REGARDS TO THE STAB TO THE HAND THAT YOU SAID YOU  
26 RECEIVED, YOU NEVER SAW MR. HANCOCK ACTUALLY STAB YOU IN THE  
27 HAND; CORRECT?

28 A NO.

CT40

1 Q YOU DON'T REALLY REMEMBER HOW THAT WOUND OCCURRED; IS  
2 THAT CORRECT?

3 A I DON'T REMEMBER A LOT ABOUT THAT NIGHT.

4 Q I'M ASKING YOU SPECIFICALLY ABOUT THE WOUND TO YOUR  
5 HAND.

6 A NO, I DON'T REMEMBER.

7 Q NOW, WITH REGARDS TO THE QUESTIONING BY OFFICER KIM I  
8 JUST HAVE A COUPLE OF THINGS I WANTED TO ADD. YOU SPOKE --  
9 WHEN YOU SPOKE TO OFFICER KIM, ISN'T IT TRUE THAT YOU TOLD  
10 HIM YOU DID NOT BLACK OUT, BUT YOU CAME CLOSE TO IT?

11 A YES, I COULD HAVE SAID THAT.

12 Q AND --

13 A THAT'S THE WAY I FELT.

14 Q AND YOU ALSO INDICATED TO OFFICER KIM THAT YOU SOCKED  
15 MR. HANCOCK IN THE EYE; IS THAT CORRECT?

16 A I DON'T REMEMBER EXACTLY.

17 MR. CAMPERI: MAY I APPROACH THE WITNESS, YOUR  
18 HONOR?

19 THE WITNESS: I MAY HAVE.

20 THE COURT: YES, YOU MAY.

21 Q (BY MR. CAMPERI) DO YOU RECALL SOCKING MR. HANCOCK IN  
22 THE EYE?

23 A NO, NOT -- NO.

24 Q I'M SHOWING YOU A COPY OF OFFICER KIM'S POLICE REPORT  
25 ON PAGE 8 OF 11, LINE 5. I WANT YOU TO READ THAT TO  
26 YOURSELF, AND IT'S AN UNDERLINED PORTION, AND LET ME KNOW  
27 WHEN YOU'RE DONE READING IT.

28 A YEAH, I PROBABLY SAID THAT.

CT<sub>44</sub>

1 A NO.

2 Q DID YOU SAY ANYTHING THAT --

3 A I -- LIKE I SAID, WE HAD SOME WORDS ABOUT THE GIRLS AT  
4 THE PICNIC. THAT'S -- AND I BARELY REMEMBERED SAYING THAT  
5 BUT, YOU KNOW, ALL THIS TIME I THOUGHT ABOUT IT, AND I  
6 REMEMBERED SAYING THAT TO JEFF, AND HE GOT MAD AT ME.

7 Q SAYING WHAT TO JEFF?

8 A OH, BECAUSE I WAS MAD AT THE GIRLS. AND HE WAS LIKE  
9 DEFENDING THEM, SAYING I WAS OBNOXIOUS, WHICH IS PROBABLY  
10 TRUE. SO IT WAS JUST A VERBAL CONFRONTATION AT THAT POINT,  
11 THEN IT GOT A LITTLE OUT OF HAND SO -- I DON'T KNOW.

12 Q DID YOU THINK THAT THIS VERBAL CONFRONTATION BETWEEN  
13 YOU AND THE DEFENDANT OVER THESE GIRLS AT THE PARK WOULD  
14 LEAD TO A PHYSICAL ALTERCATION?

15 A NO.

16 Q WHY NOT?

17 A IT'S NEVER HAPPENED BEFORE. I NEVER HAD ANY PROBLEMS  
18 WITH JEFF BEFORE, YOU KNOW, OR ANY OF THAT. HE'S NEVER BEEN  
19 VIOLENT WITH ME. WE'VE ALWAYS BEEN GOOD, YOU KNOW, FRIENDS.

20 MR. DEMERTZIS: THANK YOU, SIR.

21 THE WITNESS: YOU'RE WELCOME.

22 THE COURT: ANYTHING ELSE?

23 MR. CAMPERI: ONE OTHER QUESTION, YOUR HONOR.

24 FURTHER RECROSS-EXAMINATION

25 Q (BY MR. CAMPERI) IS IT TRUE, MR. DAVIS, THAT YOU'VE  
26 NEVER SEEN MR. HANCOCK ACT VIOLENTLY OTHER THAN THIS  
27 OCCASION THAT YOU ALLEGE?

28 A THAT'S TRUE.

1       ALTHOUGH THE ROBBERY WAS FROM 1985, BETWEEN NOW AND THEN  
2       MR. HANCOCK REFUSES TO ABIDE BY THE LAWS OF THIS STATE AND  
3       COUNTY AND, THEREFORE, IF HE TESTIFIES, THE JURY SHOULD AT  
4       LEAST BE AWARE OF THAT PRIOR CONVICTION INSOFAR AS IT SHEDS  
5       LIGHT ON HIS CREDIBILITY. WITH THAT THE PEOPLE SUBMIT.

6               THE COURT: DO YOU WISH TO BE HEARD FURTHER BEFORE  
7       I RULE?

8               MR. KURTZMAN: YOUR HONOR, I WOULD POINT OUT TO  
9       THE COURT THAT THE VAST MAJORITY OF THESE OFFENSES ARE  
10      SUBSTANCE ABUSE OFFENSES, AND THAT'S BASICALLY WHAT YOU  
11      HAVE, IS YOU HAVE SOMEBODY WHO HAS A SUBSTANCE ABUSE PROBLEM  
12      WHO TWENTY YEARS AGO COMMITTED A CRIME OF MORAL TURPITUDE.

13              I THINK IT ACTUALLY SPEAKS VOLUMES TO MR. HANCOCK'S  
14      CHARACTER THAT HE IS UNLIKE MOST OTHER SUBSTANCE ABUSE  
15      PEOPLE IN THAT HE APPEARS TO HAVE WORKED FOR THE MONEY TO  
16      PROCURE THE SUBSTANCES. UNFORTUNATELY, HE PROCURED THE  
17      SUBSTANCES, MOSTLY ALCOHOL.

18              BUT THAT HE HASN'T BEEN STEALING AND COMMITTING OTHER  
19      CRIMES OF MORAL TURPITUDE TO SUPPORT HIS HABIT, AND I THINK  
20      THAT GOES TO SHOW THAT HE DOES NOT HAVE THE MORAL TURPITUDE  
21      CHARACTERISTIC IN HIS CHARACTER THAT THE USE FOR PRIOR  
22      IMPEACHMENT WOULD BE GEARED FOR.

23              THE COURT: I'VE HEARD ENOUGH HISTORY THERE  
24      BETWEEN 1985 AND TODAY, MR. HANCOCK, BOTH SUBSTANCE ABUSE --  
25      DIRECT SUBSTANCE ABUSE RELATED CRIMES AND THOSE THAT ARE  
26      NONSUBSTANCE ABUSE RELATED CRIMES TO BELIEVE THAT BECAUSE  
27      MR. HANCOCK HAS NOT LED A CRIME-FREE LIFESTYLE SINCE THE  
28      DATE OF HIS ROBBERY CONVICTION, THAT THE CONVICTION SHOULD

1 NOT BE DEEMED TO BE SO REMOTE AS TO EXCLUDE IT. SO I WILL  
2 FIND THE CASTRO TEST FOR ADMISSIBILITY BEING MET HERE.

3 FURTHERMORE, IN THE 352 ANALYSIS THE COURT IS  
4 CONDUCTING I DO FIND THE PROBATIVE VALUE OF ALLOWING  
5 IMPEACHMENT, SHOULD MR. HANCOCK TESTIFY, WITH HIS PRIOR  
6 CONVICTION TO OUTWEIGH ANY CONSUMPTION OF TIME IT WOULD  
7 TAKE, AND I DO FIND SPECIFICALLY THAT THE PERMISSION TO  
8 ALLOW THIS FELONY CONVICTION TO IMPEACH WOULD OUTWEIGH ANY  
9 POSSIBILITY OF SUBSTANTIAL DANGER.

10 I DO NOT, GIVEN THE JURY INSTRUCTIONS I GIVE TO THE  
11 JURY, FEEL THAT IT WOULD CREATE A SUBSTANTIAL DANGER OF  
12 UNDUE PREJUDICE TO ALLOW IMPEACHMENT, GIVING THE LIMITING  
13 INSTRUCTION IN THIS AREA THAT THE COURT WOULD GIVE, AND  
14 GIVEN THE FACT THAT THIS JURY WILL PROMISE TO FOLLOW ALL  
15 INSTRUCTIONS THAT I GIVE IT IN ORDER FOR THEM TO QUALIFY FOR  
16 THIS JURY.

17 ANY OTHER REQUESTS BY THE PROSECUTION?

18 MR. DEMERTZIS: YES, YOUR HONOR. THE OTHER TWO  
19 ARE A COUPLE OF STIPULATIONS THAT I'LL GO THROUGH NOW, AND  
20 I'D LIKE TO TAKE UP THE ISSUE OF PHOTOGRAPHS. BUT THE  
21 STIPULATIONS SO FAR, THE PEOPLE WOULD OFFER THREE, AND THESE  
22 ARE PREVIOUSLY DISCUSSED WITH DEFENSE COUNSEL. THIS MAY  
23 CHANGE, DEPENDING ON HOW THE EVIDENCE COMES IN DURING THE  
24 TRIAL.

25 BUT AS AN OFFICER OF THE COURT I'M RELATING THAT OUR  
26 CRIME LAB IN SANTA CLARA COUNTY HAS TESTED BLOOD SAMPLES  
27 FOUND AT THE SCENE AND ON THE ALLEGED WEAPON IN THIS CASE  
28 AGAINST THE VICTIM'S DNA, AND THEY MATCH, AND THEREFORE THE

1 Q (BY MR. KURTZMAN) YOU'VE HAD -- ABOUT HOW MANY  
2 CONVERSATIONS HAVE YOU HAD WITH MR. DEMERTZIS ABOUT THIS  
3 CASE?

4 A I DON'T KNOW. JUST GUESSING, MAYBE TEN.

5 Q YOU'RE GUESSING TEN. IT'S DEFINITELY MORE THAN FIVE,  
6 PROBABLY LESS THAN TWENTY; RIGHT?

7 A YES, RIGHT IN THERE. JUST KEEPING TRACK OF IT, JUST  
8 TRYING TO KEEP IN TOUCH, YOU KNOW.

9 Q SO YOU'VE TALKED ABOUT THE FACTS OF THIS CASE WITH  
10 MR. DEMERTZIS ABOUT TEN TIMES; CORRECT?

11 A YEAH, THAT WOULD PROBABLY BE PRETTY CLOSE, I WOULD  
12 GUESS.

13 Q AND YOU'VE TALKED TO INVESTIGATORS THAT WORK FOR  
14 MR. DEMERTZIS ABOUT THIS CASE; CORRECT?

15 A I TALKED TO POLICE OFFICERS.

16 Q YOU'VE TALKED TO POLICE OFFICERS ABOUT THIS CASE?

17 A YEAH. I TALKED TO OFFICER KIM, AND A DETECTIVE CAME  
18 AND SAW ME AT STANFORD. I ONLY TALKED TO HIM LIKE TWICE, I  
19 THINK.

20 Q SO YOU TALKED TO THE DETECTIVE ABOUT TWO TIMES. ABOUT  
21 HOW MANY TIMES HAVE YOU TALKED TO OFFICER KIM ABOUT THE  
22 FACTS OF THIS CASE?

23 A MAYBE TWICE, MAYBE THREE TIMES, THAT'S -- RIGHT IN  
24 THERE.

25 Q AND THOSE CONVERSATIONS -- ALL OF THOSE CONVERSATIONS  
26 HAVE BEEN OVER THE COURSE OF THE LAST NINE MONTHS OR SO;  
27 CORRECT?

28 A OH, YEAH.

1 GIVE; RIGHT?

2 A WE DIDN'T DO A WHOLE LOT OF THAT TODAY.

3 Q BUT YOU DID IT PREVIOUSLY?

4 A YES, WE'VE TALKED ABOUT THE CASE PREVIOUSLY.

5 Q HOW WAS IT THAT YOU FIRST KNEW YOU HAD BEEN STABBED?

6 A I FELT A SHARP PAIN IN MY BACK.

7 Q AND WHEN YOU WERE FIRST STABBED, WHAT IS IT THAT YOU  
8 THOUGHT HAD HAPPENED?

9 A ORIGINALLY I THOUGHT THAT I FELL ON SOMETHING  
10 WRESTLING AROUND IN THE BUSHES. I DIDN'T KNOW WHAT  
11 HAPPENED.

12 Q AND YOU THOUGHT YOU HAD JUST HURT YOURSELF ON THE  
13 BUSHES?

14 A YEAH, THAT'S WHAT I THOUGHT, BUT THAT ISN'T WHAT  
15 HAPPENED.

16 Q AND IN FACT THE REASON YOU NOW SAY THAT ISN'T WHAT  
17 HAPPENED IS BECAUSE SOMEBODY TOLD YOU THAT YOU WERE STABBED  
18 WITH A KNIFE, DIDN'T THEY?

19 A YEAH, I THINK THE NEIGHBOR TOLD ME THAT FIRST.

20 Q WHICH NEIGHBOR TOLD YOU YOU WERE STABBED WITH A KNIFE?

21 A PETER. I THINK PETER.

22 THE COURT: CAN I HAVE THE NAME AGAIN? WHAT WAS  
23 YOUR ANSWER?

24 THE WITNESS: I'M SORRY. HIS NAME IS PETER.  
25 PETER CARBON, I THINK.

26 Q (BY MR. KURTZMAN) SO THE FIRST KNOWLEDGE THAT YOU HAD  
27 YOU WERE STABBED YOU'RE NOW SAYING WAS BECAUSE PETER TOLD  
28 YOU; CORRECT?



1 Q DID YOU ASK CRAIG WHAT HAPPENED?

2 A YES.

3 Q WHAT DID HE TELL YOU?

4 A CRAIG TOLD ME THAT HE GOT ROLLED IN THE PARK, FAIR  
5 OAKS PARK.

6 Q DID YOU BELIEVE HIM?

7 A NO.

8 Q WHY NOT?

9 A JEFF HAD COMBATIVE INJURIES TO HIS HANDS.

10 Q JEFF, THE DEFENDANT?

11 A YES.

12 Q OKAY. TELL US ABOUT THAT.

13 A HIS HANDS WERE SWOLLEN AND CUT UP. IT LOOKED LIKE  
14 HE'D BEEN BEATING ON CRAIG, WHICH --

15 Q WELL, BEATING ON SOMETHING?

16 A YEAH.

17 Q YOU DIDN'T KNOW AT THAT POINT. TELL US IN DETAIL AS  
18 BEST YOU CAN, SIR, WHAT YOU OBSERVED ON THE DEFENDANT'S  
19 HANDS.

20 A I JUST DID. HIS KNUCKLES WERE SWOLLEN RED AND SOME  
21 MINOR CUTS.

22 Q BASED ON WHAT YOU OBSERVED ON JEFF YOU DIDN'T BELIEVE  
23 CRAIG'S STORY THAT HE GOT ROLLED IN THE PARK?

24 A NO, I DID NOT.

25 Q IS THERE ANYTHING ELSE THAT MADE YOU SUSPECT THAT  
26 CRAIG WAS NOT TELLING THE TRUTH?

27 A CRAIG WAS VERY DEPENDENT ON JEFF, SO HE WOULD COVER  
28 FOR HIM IN A SITUATION LIKE THAT.

1 THE COURT: YOU'RE EXCUSED. THANK YOU FOR COMING  
2 IN. APPROACH THE BENCH ON THE PRIOR WITNESS.

3 (DISCUSSION OFF THE RECORD.)

4 THE COURT: WE'LL TAKE A RECESS AT THIS TIME. THE  
5 NEXT WITNESS WILL TAKE AT LEAST HALF AN HOUR, SO THIS IS A  
6 BETTER TIME TO TAKE A RECESS. REMEMBER THE ADMONITION,  
7 LADIES AND GENTLEMEN.

8 (RECESS.)

9 THE COURT: FOR THE RECORD THE COURT CALLS THE  
10 MATTER OF PEOPLE VERSUS HANCOCK. MR. KURTZMAN, YOU WISH TO  
11 PUT SOMETHING ON THE RECORD OUTSIDE OF THE PRESENCE OF THE  
12 JURY BEFORE THE JURY IS RECALLED HERE. WHAT WOULD THAT BE,  
13 MR. KURTZMAN?

14 MR. KURTZMAN: YOUR HONOR, AT THIS POINT, AS A  
15 MATTER TO PRESERVE THE RECORD, GIVEN I'M NOT SURE OF WHICH  
16 POINT THE MOTION BECOMES UNTIMELY, I FEEL I HAVE TO MAKE A  
17 MOTION UNDER 1054.1(B) AND MOVE FOR A MISTRIAL.

18 1054.1(B) OF THE PENAL CODE IS THE CODE SECTION THAT  
19 STATES THAT THE PEOPLE HAVE A DUTY TO DISCLOSE ALL  
20 STATEMENTS MADE BY THE DEFENDANT TO THE DEFENSE. IT'S CLEAR  
21 FROM THE TESTIMONY WE JUST HEARD BEFORE THE RECESS, AND I  
22 NEEDED TO RESEARCH THIS BEFORE I COULD BRING THE MOTION,  
23 THAT THE PEOPLE HAD AT LEAST A DAY'S NOTICE OF MR. CRAVEN'S  
24 TESTIMONY.

25 THE DEFENSE HAD NO NOTICE OF WHAT IS OBVIOUSLY VERY  
26 DRAMATIC AND SIGNIFICANT TESTIMONY, IN THAT IT IS ANOTHER  
27 CONFESSION ALLEGEDLY MADE BY MR. HANCOCK. THE CONVERSATION  
28 I'M CURRENTLY HAVING WITH MR. HANCOCK IS WHETHER OR NOT HE

1 SUBMIT IT.

2 THE COURT: MR. DEMERTZIS, WHAT WOULD YOU LIKE TO  
3 SAY ABOUT THIS?

4 MR. DEMERTZIS: YOUR HONOR, THE NIGHT BEFORE  
5 MR. CRAVEN CAME TO COURT AND TESTIFIED I CALLED HIM TO GIVE  
6 HIM A SPECIFIC ARRIVAL TIME FOR COURT. IN THE COURSE OF  
7 THAT CONVERSATION I ASKED HIM IS THERE -- WAS THERE ANYONE  
8 ELSE AT THE SCENE OR IS THERE ANYTHING ELSE THAT I NEED TO  
9 LOOK INTO THAT'S NOT IN THE POLICE REPORT. AND HE WENT ON  
10 TO DESCRIBE THE DEFENDANT MAKING A DEMONSTRATION WITH THE  
11 KNIFE.

12 NOW, I STOPPED MR. CRAVEN, BECAUSE I DIDN'T WANT TO  
13 MAKE MYSELF A WITNESS IN THE TRIAL, AND I DIDN'T HAVE AN  
14 OPPORTUNITY TO HAVE AN INVESTIGATOR GO AND TALK TO  
15 MR. CRAVEN. AS FOR THIS STATEMENT BY THE DEFENDANT I WOULD  
16 AGREE THAT THE DEFENDANT'S RESPONSE TO A QUESTION FROM  
17 MR. CRAVEN AT THE CRIME SCENE, WHICH IS NONVERBAL BUT RATHER  
18 A DEMONSTRATION, WOULD BE TANTAMOUNT TO A STATEMENT.

19 ASSUMING IT'S A STATEMENT, THE PENAL CODE PROVIDES  
20 THOSE STATEMENTS SHOULD BE TURNED OVER TO THE DEFENSE IN A  
21 TIMELY MANNER. WHILE I DID NOT CALL DEFENSE COUNSEL AT 9:00  
22 AT NIGHT TO MAKE HIM AWARE OF THOSE STATEMENTS, AND WHEN WE  
23 GOT TO COURT THAT MORNING --

24 THE COURT: YESTERDAY MORNING.

25 MR. DEMERTZIS: -- YESTERDAY MORNING, WE WERE  
26 FINISHING UP WITH A WITNESS AND TALKED ABOUT SCHEDULES, AND  
27 WE WERE GOING TO PUT ON MR. CRAVEN. FRANKLY, IT DID NOT  
28 OCCUR TO ME TO DISCUSS THIS POTENTIAL STATEMENT THE

1 OPPOSED TO THE NEIGHBOR, PERHAPS HE WOULD HAVE MORE EASILY  
2 REMEMBERED TO TELL YOU YESTERDAY MORNING, MR. KURTZMAN, OF  
3 WHAT HE HAD FOUND OUT.

4 THE FACT OF THE MATTER IS THAT WHEN YOU GET INTO A  
5 TRIAL SITUATION, SOMETIMES THERE ARE SLIPS, AND IN MY MIND  
6 THIS WAS A MINOR SLIP, IN VIEW OF THE FACT THAT THE  
7 DISCOVERY HERE, WHICH WAS NOT GIVEN TO YOU AND WHICH YOU  
8 FIRST LEARNED ABOUT WHEN HE TESTIFIED, WAS IN MY MIND NOT  
9 MATERIAL ENOUGH TO BE PREJUDICIAL TO YOUR CASE, IN VIEW OF  
10 WHAT I'VE HEARD.

11 ALSO IN VIEW, FRANKLY, OF THE OPENING STATEMENT IN  
12 WHICH YOU TOLD THE JURY IN ESSENCE THIS WAS GOING TO BE A  
13 SELF-DEFENSE CASE. I WOULD THINK THAT THE WITNESS'S  
14 TESTIMONY YESTERDAY WOULD NOT ALTER THAT STRATEGY IN ANY  
15 WAY. YOU'VE GONE ON RECORD WITH THIS JURY TELLING THEM THAT  
16 IT'S A SELF-DEFENSE CASE, AT THE VERY OUTSET.

17 GIVEN THE FACT THAT I DON'T BELIEVE THERE'S ANY  
18 PREJUDICE BECAUSE OF THAT, GIVEN THE FACT THAT I DON'T THINK  
19 THAT THE DISTRICT ATTORNEY VIOLATED 1054 INTENTIONALLY, AND  
20 GIVEN THE FACT THAT THE WITNESS WAS SUBJECT TO YOUR FULL  
21 EXAMINATION, THE REMEDY THAT YOU SEEK FOR MISTRIAL IS  
22 DENIED.

23 I DO NOT BELIEVE YOUR CLIENT HAS BEEN -- HAS SUFFERED,  
24 AT THIS POINT AT ANY RATE, AN UNFAIR TRIAL DUE TO WHAT DID  
25 NOT HAPPEN YESTERDAY MORNING, THAT IS, YOUR NOT BEING TOLD  
26 RIGHT AWAY IN THE MORNING BY MR. DEMERTZIS AS TO WHAT HE HAD  
27 FOUND OUT IN A TELEPHONE CALL THE NIGHT BEFORE. SO I'M  
28 DENYING YOUR MOTION. THANK YOU.

1 DOESN'T ALLEGE POLICE ABUSE AT THAT TIME; RIGHT?

2 A YES.

3 Q SO THE FACT YOU DON'T NOTE ANY INJURIES ON HIS ARMS  
4 MEANS THERE WEREN'T ANY; CORRECT?

5 A YES.

6 Q NO INJURIES TO HIS ELBOWS; CORRECT?

7 A I DON'T KNOW. WHEN WE HAD TO RESTRAIN HIM IN THE  
8 JAIL, HE WAS FIGHTING, SO AS SOON AS WE RESTRAINED HIM, PUT  
9 HIM IN THE WRAP, I DON'T KNOW WHAT INJURIES OCCURRED DURING  
10 THAT SCUFFLE.

11 Q WE'RE TALKING ABOUT THE BEDROOM RIGHT NOW.

12 A OKAY.

13 Q ANY INJURIES TO HIS ELBOWS?

14 A NOT TO MY RECOLLECTION.

15 Q HOW ABOUT HIS HANDS?

16 A NOT TO MY RECOLLECTION.

17 Q HOW ABOUT TO HIS LEGS OTHER THAN THE KNEES?

18 A NOT TO MY RECOLLECTION.

19 Q AND YOU COULDN'T SEE HIS FEET BECAUSE HE WAS WEARING  
20 HIS SHOES?

21 A CORRECT.

22 Q AND IF HE HAD HAD ANY INJURIES OR SWELLING OR CUTS OR  
23 ANYTHING LIKE THAT, YOU WOULD -- OR BRUISING, YOU WOULD HAVE  
24 NOTED THAT; RIGHT?

25 A YES.

26 Q ON A SCALE OF ONE TO TEN HOW INTOXICATED DID  
27 MR. HANCOCK APPEAR TO BE?

28 A ON A SCALE --

1 THE INTERVIEW ROOM ALONE, I HAD BROUGHT A MICROCASSETTE  
2 RECORDER. I TURNED ON THE MICROCASSETTE RECORDER AND HID IT  
3 INSIDE MY MIDDLE FOLDER, MY CASE FOLDER, BASICALLY.

4 Q WHEN YOU SAY HID IT, DOES THAT MEAN THAT YOU RECORDED  
5 THE SUBSEQUENT CONVERSATION WITH MR. HANCOCK UNBEKNOWNST TO  
6 HIM, WITHOUT TELLING HIM?

7 A YES, I DID NOT TELL HIM HE WAS BEING RECORDED.

8 Q WHAT WAS YOUR PURPOSE IN GOING THERE TO TALK TO  
9 MR. HANCOCK?

10 A I WANTED TO GET A STATEMENT FROM HIM ABOUT THE  
11 INCIDENT. HE APPARENTLY HAD NOT PROVIDED A STATEMENT THE  
12 NIGHT THIS OCCURRED WITH THE OFFICERS ON SCENE, AND I WANTED  
13 TO GET A STATEMENT FROM HIM.

14 Q WHAT WAS MR. HANCOCK LIKE WHEN YOU FIRST CONTACTED  
15 HIM?

16 A AT THE JAIL HE WAS COOPERATIVE AND SEEMED LIKE HE WAS  
17 WILLING TO TALK.

18 Q WHERE WERE YOU EXACTLY?

19 A I CAN'T TELL YOU A SPECIFIC -- I DON'T KNOW HOW IT'S  
20 ARRANGED THERE, BUT I WAS IN AN INTERVIEW ROOM WHICH IS  
21 INSIDE THE SECURE FACILITY WITHIN THE MAIN JAIL.

22 Q THAT'S WHAT I'M TALKING ABOUT, THIS ROOM. WHAT WAS IT  
23 LIKE?

24 A OH, VERY SMALL. I WOULD SAY IT WAS FOUR FEET BY SIX  
25 TO EIGHT FEET AT THE BIGGEST, AND IT HAD A SMALL DESK, MAYBE  
26 THE SIZE OF THE TOP OF THIS PODIUM I'M SITTING AT, WITH TWO  
27 CHAIRS.

28 Q FOR THE RECORD THIS DESK YOU DESCRIBED IS MAYBE FOUR

1 PEOPLE RECALL CRAIG DAVIS.

2 THE COURT: MR. DAVIS, STEP FORWARD. AND I'LL  
3 REMIND YOU YOU'RE STILL UNDER OATH, SIR.

4 THE WITNESS: OKAY.

5 THE COURT: YOU MAY TAKE A SEAT.

6 THE COURT: DIRECT, MR. DEMERTZIS.

7 MR. DEMERTZIS: THANK YOU, YOUR HONOR.

8 DIRECT EXAMINATION

9 Q (BY MR. DEMERTZIS) MR. DAVIS, THANK YOU FOR COMING  
10 BACK TO COURT.

11 A OKAY.

12 Q ON AUGUST 7TH OF LAST YEAR JUST BEFORE JEFF HANCOCK  
13 STABBED YOU, DID YOU HIT HIM WITH A FRYING PAN?

14 A NO.

15 MR. DEMERTZIS: THAT'S ALL THE QUESTIONS I HAVE.

16 THE COURT: CROSS?

17 MR. KURTZMAN: NOTHING FURTHER. THANK YOU, YOUR  
18 HONOR.

19 THE COURT: THANK YOU FOR COMING IN. YOU'RE  
20 EXCUSED, SIR. APPROACH THE BENCH, COUNSEL, PLEASE.

21 (DISCUSSION OFF THE RECORD.)

22 THE COURT: LADIES AND GENTLEMEN, THE PARTIES HAVE  
23 AGREED UPON THREE STIPULATIONS, WHICH I WILL READ TO YOU AT  
24 THIS TIME. REMEMBER THAT STIPULATIONS ARE AGREEMENTS  
25 BETWEEN THE PARTIES AS TO WHAT THE FACTS ARE, AND YOU MUST  
26 DEEM THEM CONCLUSIVELY PROVEN.

27 IT IS HEREBY STIPULATED BY THE PARTIES THAT ONE, THE  
28 SMEARED, DRIED BLOOD ON THE CONCRETE WALK OUTSIDE

1 AS FAR AS THE SENTENCING IN THIS CASE. I'M INCLINED TO  
2 FOLLOW IT, BUT IF COUNSEL WISH TO BE HEARD, I'LL ALLOW THAT.

3 MR. DEMERTZIS: SUBMITTED YOUR HONOR.

4 MR. SCHROEDER: SUBMITTED, YOUR HONOR. I'VE HAD  
5 EXTENSIVE DISCUSSIONS WITH MY CLIENT ABOUT THIS ACTION, AND  
6 WE'VE DETERMINED IT'S IN HIS BEST INTEREST TO PROCEED AS WE  
7 ARE THIS MORNING.

8 THE COURT: THE COURT UNDERSTANDS THIS.

9 MR. SCHROEDER: THANK YOU.

10 THE COURT: THE MATTER COMES BEFORE THE COURT ON A  
11 GUILTY VERDICT BY JURY, AND THERE WERE ADMISSIONS OF THE  
12 PRIORS.

13 THE COURT BELIEVES THAT PROBATION IN THIS CASE SHOULD  
14 BE DENIED IN VIEW OF THE SERIOUSNESS OF THE OFFENSE. THE  
15 COURT ALSO NOTES THAT PROBATION WOULD BE INELIGIBLE PURSUANT  
16 TO 667(C)(2) OF THE PENAL CODE, BUT REGARDLESS OF ANY  
17 STATUTORY PRECLUSION THE SERIOUSNESS OF THIS OFFENSE WOULD  
18 WARRANT A DENIAL OF PROBATION NEVERTHELESS.

19 AS FAR AS THE PRISON TERM IN THIS CASE THE COURT WILL  
20 SELECT THE MIDDLE TERM IN STATE PRISON OF SIX YEARS. THE  
21 COURT ENHANCES TERM -- AND SIX YEARS, THE COURT SHOULD NOTE,  
22 WOULD BE TWICE THE ORDINARY MIDDLE TERM. AND THIS IS FOR  
23 THE CLERK'S BENEFIT TODAY, WHO IS NOT NORMALLY WITH THE  
24 COURT AND WAS NOT SITTING ON THE TRIAL, THIS WOULD BE TWICE  
25 THE BASE BECAUSE OF THE STRIKE. THE COURT ENHANCES SAID  
26 TERM BY FIVE YEARS FOR THE 667(A) PENAL CODE ALLEGATION.

27 THERE WAS A 12022.7(A) PENAL CODE FINDING THAT WAS  
28 MADE BY THE JURY; HOWEVER, THE COURT WILL SHARE THE -- THE



1 COURT WILL FOLLOW THE RECOMMENDATION OF THE PROBATION  
2 OFFICER AND STRIKE THAT ADDITIONAL PUNISHMENT PURSUANT TO  
3 1385 OF THE PENAL CODE, THERE BEING NO OBJECTION BY THE  
4 PEOPLE AS TO THAT ORDER.

5 SO THAT LEAVES THE TOTAL TERM AT ELEVEN YEARS, WHICH  
6 WAS THE ONE RECOMMENDED BY PROBATION. MR. HANCOCK, YOU ARE  
7 ADVISED THAT SUBSEQUENT TO YOUR RELEASE FROM PRISON YOU'LL  
8 BE PLACED ON PAROLE FOR THREE YEARS. I WILL ORDER  
9 RESTITUTION TO THE VICTIM TO BE DETERMINED FOR ANY ECONOMIC  
10 LOSSES. DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS  
11 ORDERED TO COLLECT THIS RESTITUTION FROM YOUR EARNINGS IN  
12 PRISON OR WHILE ON PAROLE.

13 YOU SHALL NOT POSSESS FIREARMS PURSUANT TO 12021 OF  
14 THE PENAL CODE. YOU ARE ORDERED TO PROVIDE TWO BLOOD AND  
15 ONE SALIVA SAMPLE PURSUANT TO 296 OF THE PENAL CODE. I WILL  
16 ORDER A COURT SECURITY FEE OF \$20 PURSUANT TO 1465.8 OF THE  
17 PENAL CODE.

18 I'LL ORDER A RESTITUTION FINE OF \$2200 PURSUANT TO THE  
19 FORMULA PERMITTED BY PENAL CODE SECTION 1202.4(B). I WILL  
20 ORDER AN ADDITIONAL RESTITUTION FINE OF THAT AMOUNT PURSUANT  
21 TO 1202.4 OF THE PENAL CODE AND ORDER IT SUSPENDED PURSUANT  
22 TO 1202.45 OF THE PENAL CODE.

23 I DON'T HAVE THE UPDATED CREDITS. MAYBE COUNSEL CAN  
24 FOLLOW ALONG WITH ME AND WE CAN DO THIS. THE CREDITS WERE  
25 AS OF THE PROBATION REPORT DATE, JULY 1ST, AND WE DON'T HAVE  
26 A PROBATION OFFICER HERE TODAY. SO WE'RE TALKING ABOUT 31  
27 DAYS ACTUAL IN JULY AND THEN ANOTHER 31 DAYS IN AUGUST, AND  
28 THEN TODAY'S THE 3RD, SO MY MATH IS 65 ACTUAL DAYS EXTRA.

**August 12, 2003 Interview of Jeff Hancock by Officer Anderson**

Anderson: (Inaudible voices in background). Hey.

Hancock: (Inaudible).

Anderson: It was pretty much, it was, I'm a Sunnyvale police (inaudible). And I'm a Sunnyvale police (inaudible). And ah, um, ah, I went up and ah, visited ah, you're buddy ah, up in (inaudible), 'cause it was...

Hancock: Craig.

Anderson: (inaudible), yeah, Craig. Um, he's doing okay. Um, you know, he could be, you got the better of him, but (inaudible), he's fine. They'll probably release him today or tomorrow or something like that. But he's, he's gonna make it. Um, talked to him to him a little bit. He, he didn't really want to say what, what really went down. It sounds more like two buddies kind of got in an argument And ah, that they're, and ah, the officers, when they responded, they really had to pry it out of him to tell them what really happened. Ah, basically kind of what he told me is that you guys have been having a little few little squabble about ah, finances. You both are looking for work, having some problems. You got out Thursdays or Friday night, whatever it was. And ah, and you guys both have been drinking a little bit that night. You're (inaudible) right now. Ah, I don't know if you want, basically what the deal is, he's got court tomorrow. Okay. Ah, there's nothing in there as far as what your side of the story is to this at all in the report that's gonna go to the DA, the judge, and all that. So, this is kind of your last chance to say what you want to say about the

2

whole thing. I'll write it down. I'll submit the tape today. Hoping the DA can take a look at it tomorrow (inaudible). If that's something you're willing to do, I can read you the Miranda saying, then we can talk. Totally up to you if you want, if you want to leave your side of the story here, um, that's up to you. But ah, that's just (inaudible). Ah, let me, let me read this to you. And then if you want to talk about it, then you can. You have the right to remain silent. Anything you say may be used against you in court. You have the right to the presence of an attorney before and during any questioning. If you cannot afford to hire an attorney, one will be appointed to you free of charge before any questioning. Do you understand all that I read to you?

Hancock: Yeah.

Anderson: Okay. Ah, don't mind if I am saying what I read to you for you, is all I'm saying. And like I said, he ah, the night this happened, he didn't want to say anything. Um, the officer basically had to force him to talk about what happened. But, but I, I went and visited him today. He's doing all right. You know, he's pretty beat up. But ah, he's not gonna die or nothing like that, you know. Okay. And ah, that's kind of what he told me, is that ah, he said he just kind of lost (inaudible) bigger, bigger than him. And you got the best of him. That was kind of the story. Um, you want to talk a little bit about what the, what the deal with ah, with,

## ADULT INSTITUTIONS MEDICAL UNITS

Santa Clara Valley Medical Center

## MEDICATION ADMINISTRATION RECORD

 Month Aug Year 2003 DATE →

## LIBRIUM

 50 mg  
x 2 days QID
Start 8/9 Stop 8/11

Renewal Date

MAR by [Signature] Consent Signed Y Instruction Given by N

## LIBRIUM

 50 mg  
x 1 day TID
Start 8/11 Stop 8/11

Renewal Date

MAR by [Signature] Consent Signed Y Instruction Given by N

## LIBRIUM

 25 mg  
x 1 day TID
Start 8/12 Stop 8/12

Renewal Date

MAR by [Signature] Consent Signed Y Instruction Given by N

## LIBRIUM

 25 mg  
x 1 day BID
Start 8/13 Stop 8/13

Renewal Date

MAR by [Signature] Consent Signed Y Instruction Given by N

## THIAMINE

 100 mg  
x 7 days QD
Start 8/9 Stop 8/15

Renewal Date

MAR by [Signature] Consent Signed Y Instruction Given by N

## PRE-NATAL VITAMIN

x 7 days QD

MAR by [Signature] Consent Signed Y Instruction Given by N

C = Court TSO = Temporary Signed Out S = Med to Court/Clinic SA = Self Administered R = Refused NA = Not Available L = Lockdown N = No show

## Allergies

ALCOHOL DETOX

Diagnosis

DOB 11/02/58Booking # 03041987PFN BB1263/DTT897AKA Name Alert [Signature] Housing 240 Name Hancock, Jeff

EL CAMINO HOSPITAL  
MOUNTAIN VIEW, CALIFORNIA  
XIANDA YANG, MD

Hancock, Jeff Jay  
✱ MR#: 700168  
DOB: 11/02/1958  
DISCHARGE SUMMARY

cc: XIANDA YANG, MD

ADMISSION DATE: 04/09/2003

DISCHARGE DATE: 04/18/2003

**HISTORY OF PRESENT ILLNESS:**

The patient is a 44-year-old, white male with history of head trauma and seizures for about three years. The patient has not been taking his antiseizure medication prior to admission for about three days. The patient then developed a generalized seizure and lost his consciousness, and 911 was called by the patient's roommate, and he was brought to the El Camino Hospital.

**HOSPITAL COURSE:**

Initial physical examination was remarkable for a blood pressure of 135/71 and slightly shaky hands. The patient was subsequently admitted to the El Camino Hospital with the diagnosis of seizure and possible early stage of alcohol withdrawal. The patient has a history of heavy alcohol abuse for more than ten years.

Soon after admission, the patient developed visual hallucinations and shaking with tremors all over his body. He required a large amount of Valium and Ativan to control his symptoms. Because of the severity of his symptoms, he was subsequently transferred to the CCU, where an Ativan drip was started. At one time, the patient was requiring as much as 35 mg of Ativan per hour.

The patient also received supportive care including nutritional supplements. Thiamine and multivitamins were provided to the patient. The patient also received a supplement for low potassium and low magnesium and low phosphorus. The patient's condition improved with the above treatment, and the patient was transferred out of the CCU on 04/17/03. The patient has been doing well ever since his transfer out of the CCU, and at the time of discharge he has no tremors, no shakiness. He has been taking Dilantin, 300 mg, by mouth per day ever since he was admitted, and he has not had a seizure since admission. The patient, therefore, will be discharged home to follow up with his own primary care physicians.

EL CAMINO HOSPITAL  
MOUNTAIN VIEW, CALIFORNIA  
XIANDA YANG, MD

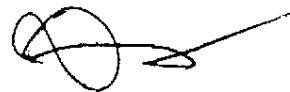
Hancock, Jeff Jay  
\* 700168

DISCHARGE SUMMARY

Page 2 of 2

DISCHARGE DIAGNOSES:

1. Alcohol abuse with alcohol withdrawal syndrome. Delirium tremens with visual hallucinations, resolved.
2. History of seizures. The patient needs to take his antiseizure medications, specifically Dilantin, 300 mg, per day.
3. The patient is advised to follow up with his own primary care physician as soon as he leaves the hospital.



XIANDA YANG, MD

YX:tls

D000005064 C330483

D: 04/18/2003 9:08 A

T: 04/20/2003 4:17 P

41 SUPERIOR COURT  
 605 W. EL CAMINO  
 SUNNYVALE, CA 94087  
 PEOPLE VS. JEFF JAY HANCOCK  
 L.K.A. 675 JOHANNA 7  
 SUNNYVALE, CA 94085  
 JUDGE HON. JOHN J. GARIBALDI  
 REPORTER CARLA GOMEZ  
 DEF. ATTY. SCHROEDER, WESLEY D. *Demutis*  
 CHARGES F(001)PC245(A)(1) 001

CASE NO. EE302496  
 CEN 03041987  
 DATE 09/03/2004 8:30 AMPT.  
 11/02/1958 CAN4777473  
 CLERK CARRIE WOOLLEY BBI263 M  
 HEARING PROBATION AND SENTENCING  
 AGENCY SV-04316-93501-CHAVARRIA  
 STATUS I-SET -100000 TW Y  
 APO  
 VIOLATION DATE 08/07/2003

## NEXT APPEARANCE

☒ Defendant Present ☐ Not Present ☒ Atty Present *Wesley Schroeder* AD / PD / Legal Aide / Special App  
☐ WFA ☐ Arr'd ☐ Amended complt ☐ Arr ☐ Plea ☐ IDC ☐ Prdb / Sent ☐ Interp  
☐ PC977 Waiver ☐ Filed ☐ On file ☐ Bail / OR / SORP ☐ Rect Dr Rpt ☐ FAR ☐ Pretrial Services to Contact Gateway for Assmt  
☐ NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ PTC ☐ S/B MTC ☐ Bail Reinstated ☐ Bail Exonerated  
☐ Priors / Allegations / Enhancements Denied ☐ Further ☐ Jury ☐ CT ☐ Pco/Def Wav Jury ☐ Forfeited ☐ Bond #  
☐ TW ☐ TNW ☐ TW / WD ☐ for Sent ☐ Proof of ☐ Reassumption Filed ☐ Forfeiture Set Aside  
☐ Ref / Appt PD / ADO ☐ Conflict Decl ☐ Ref'd ☐ Costs Within 30 Days to Court  
☐ Relieved ☐ Appt'd ☐ Crim Proc Susp ☐ Rein ☐ SORP / OR ☐ Revoked ☐ Reinstated  
☒ Hrg on Motion *Remanded* ☐ Doubt Decl Pursuant PC 1368 ☐ BW Ordered \$ ☐ Stayed  
☐ Granted ☐ Den ☐ Subm ☐ OC / *WV* ☐ Subm on rept ☐ Found ☐ BW Set Aside ☐ Recalled ☐ To Issue  
☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ Other:  
☐ Prelim Waived ☐ Certified to General Jurisdiction ☐ MDA / COM Amended to

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP

☐ Jail / Prison Term of ☐ Dismissal / Striking ☐ Subm time of sent  
☐ Adv ☐ Max Pen ☐ Parole/Probation ☐ Appeal ☐ Immlg ☐ Reg PC290/HS11590/PC457.1/PC186.30 ☐ Future serious felony prior ☒ PC12021 (gun)  
☐ Waives Constit Rights ☐ Written Waiver filed ☐ PC17 REDUCTION ☐ Waives Arbuckle ☐ Harvey Stip  
☐ COP PLEADS ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhs/priors (see below) ☐ Factual Basis found ☐ Findings stated  
☐ Notice of Eligibility Filed ☐ DEJ Granted ☐ Rpt to DADS ☐ DEJ Rein ☐ DEJ Term ☐ Guilty Plea Rendered  
☐ Waives Referral ☐ Ref'd to APO Full Rpt ☒ PROBATION DENIED **FINES/FEES:** PAY TO ☐ Ref to DOR ☐ COURT  
☐ Sentenced to ☐ State Prison/County Jail ☐ Sent Suspended **COUNT** \$ ☐ PA \$ ☐ Purs HS11350d  
**COUNT** \$ ☐ PA \$ ☐ DP/ AIDS \$ ☐ PA \$ ☐ Add'l RF \$ *2200* ☐ Susp'd PC1202.45  
**DEJ / RF** \$ *2200* **CT5 PC 2900.5** \$ ☐ **TOTAL DUE** \$ ☐

**PROBATION** ☐ Execution ☐ Imposition of sentence suspended for probation period  
☐ COURT ☐ FORMAL PROBATION GRANTED for ☐ Days / Mos / Yrs  
☐ Report to APO within ☐ Days ☐ Upon Release ☐ Terminated  
☐ Communit Altern Program ☐ Perform ☐ hrs Volunteer Work  
☐ Submit Search / Testing ☐ Educ / Voc Tmg / Empl  
☐ Not drive w/o valid DL & Ins ☐ DVPO Issued / mod / term Exp  
☐ Not own/possess deadly weapons ☐ Weapon ordered destroyed  
☐ No contact w/victim or family / co-defts unless appr by APO ☐ PC1202.05  
☐ No alcohol / drugs or where sold ☒ Restitution *Victim General*  
☐ Substance abuse, Domestic Violence, Psychological, Parenting cnsl / prgm  
☒ PC296 (DNA) ☐ PC1202.1 (Aids Testing) ☐ Aids Education Program  
 Other:

**VOP:** ☐ Arr'd VOP ☐ Admits/Denies Violation ☐ Court Finds VOP / No VOP  
☐ Prob Rein / Mod / Term / Revoked / Remains Revoked / Ext to  
☐ Original Terms & Conditions Except as Amended Herein  
☐ Coterminous with ☐ No Further Penalties

**JAIL/PRISON** ☐ See Attachm't Pg for Add'l Orders, Charges, PC1385 Reasons

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	County Jail
1	F	PC245(A)(1)	M 6 yrs	PC607(a) 5 yrs	11 yrs	11 yrs
			(2x base)	PC1202.1(a) 1/209(c)(3)	Strike priors to PC136B	
			add to PC607(b) 1/1170.12			

Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total
PC607(b)(1) 1170.12	2x base	PC607(a) 5 yrs	CL3 to Ct.1					5 yrs

CTS = *394* ACT+ *59* *term* ☐ PC4019 ☐ PC2933.1 = *453* **TOTAL DAYS** **TOTAL TERM** *11 yrs COC*  
☐ Straight time ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec ☐ Except ☐ EMP/PSP/MF/EBP/DBR/Ca Parole/NP  
☐ Sent Deemed Srvd ☐ Rpt to Local Parole ☐ Adv of *3* Yrs Parole/Appeal Rights ☐ Consec ☐ Conc to *CT283*  
☐ Bal CJ Susp ☐ All but ☐ Days/Mos ☐ On Cond Complete Residential Treatment Prgm ☐ Serve Consec MO/TU/WE/TH/FR/SA/SU  
☐ Pre-process ☐ AM/PM ☐ Stay/Surrender Transport to ☐ AM/PM or Sooner

☐ REMANDED-BAIL \$ ☐ NO BAIL ☒ COMMITTED ☐ RELEASED ☐ OR ☐ SORP ☐ DOC TO CONTACT JAC FOR ASSMT  
☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL

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